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WHO IS GUILTY?

A FULL REPORT OF TWO

OF THE

Most Extraordinary Criminal Cases

TO BE FOUND IN THE

ANNALS OF CANADIAN

CRIMINAL JURISPRUDENCE.

SWEETSBURG, 1873.

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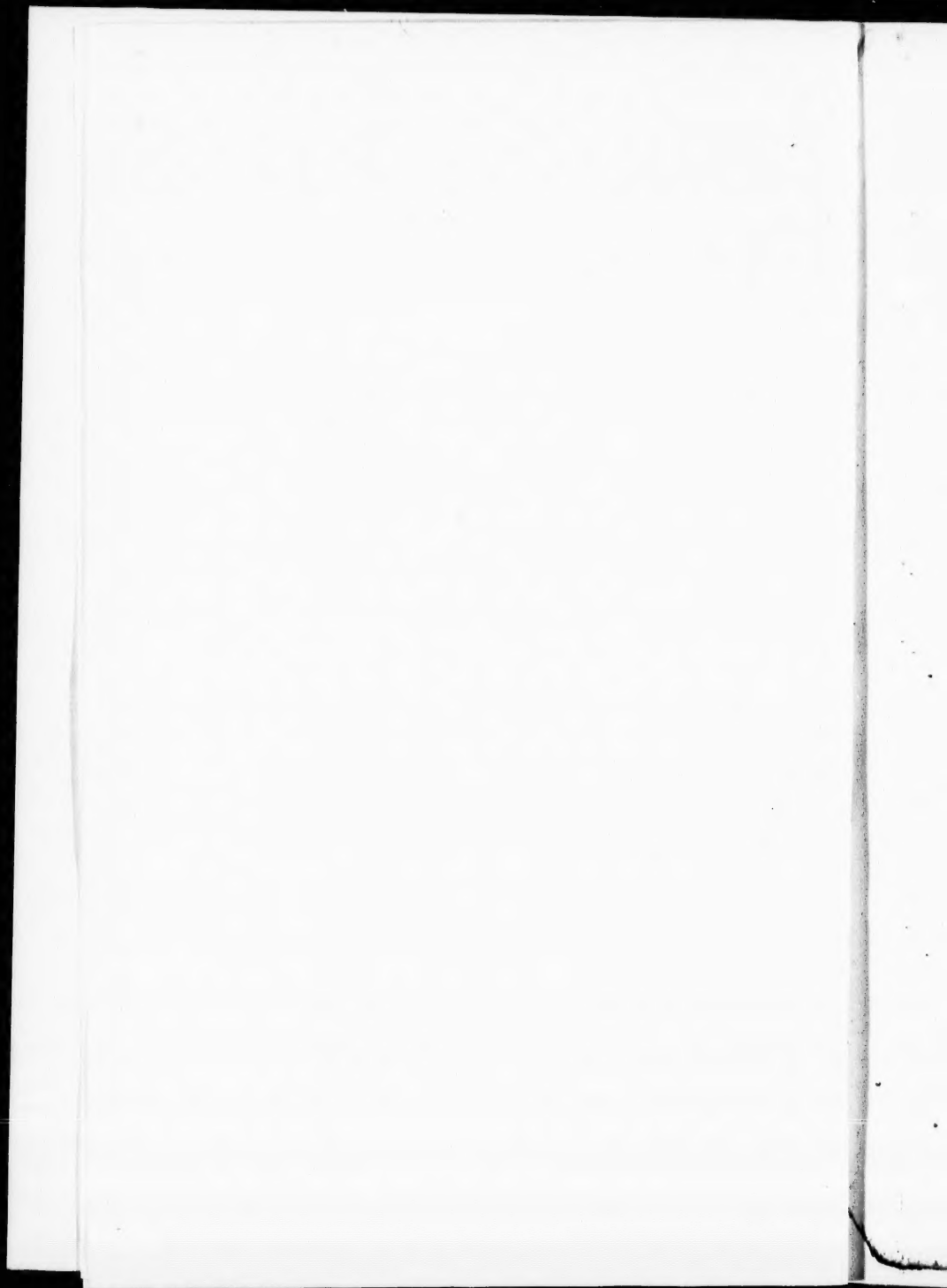
THE CONSPIRACY CASE.

THE AFFIDAVIT.

PROVINCE OF QUEBEC, }

DISTRICT OF BEDFORD. }

Information of the Rev. H. Montgomery, of the Village of Philipsburgh, in said District, Clerk in Holy Orders, taken on oath, before the undersigned, one of Her Majesty's Justices of the Peace in and for said District, this second day of August in the year one thousand eight hundred and seventy-two, who, the said deponent being duly sworn, deposes and saith: That John M. Sager of the Parish of Saint Armand West in said District, yeoman, Elmira Fuller of said Parish, spinster, and Peter Fuller of the Township of Armand in said District, yeoman, wickedly, intending and devising to deprive this deponent of his good name, fame, credit and reputation, and to disgrace him in his office aforesaid, and to charge him with gross immorality, and also to defraud this deponent and unjustly and unlawfully to extort and obtain from this deponent a large sum of money, to wit, the sum of fifteen hundred dollars, did, on or about the first day of June last past, and divers times since, then and before the day of the date hereof at the Parish aforesaid, among themselves unlawfully and wickedly conspire, combine, confederate and agree together, falsely, unjustly and wickedly to charge and accuse this deponent with having had carnal knowledge of the body of the said Elmira Fuller, and of being the father of the child whereof the said Elmira Fuller was pregnant, as they then and there pretended; and by the conspiracy among them so as aforesaid before had, then and there did solely and maliciously affirm that this deponent then lately before did carnally know the said Elmira Fuller, and that he, this deponent, was the father of the pretended child, whereof the said Elmira Fuller was then pregnant as she asserted and pretended; and that for the further execution of the premises and of extorting money from this deponent, they the said John M. Sager, Elmira Fuller and Peter Fuller agreed among themselves that they should charge and accuse this deponent, that he this deponent then lately before had carnal knowledge of the said Elmira Fuller and he, this deponent, was the father of said pretended child, whereof they pretended that she, the said Elmira Fuller was pregnant; whereas in truth and

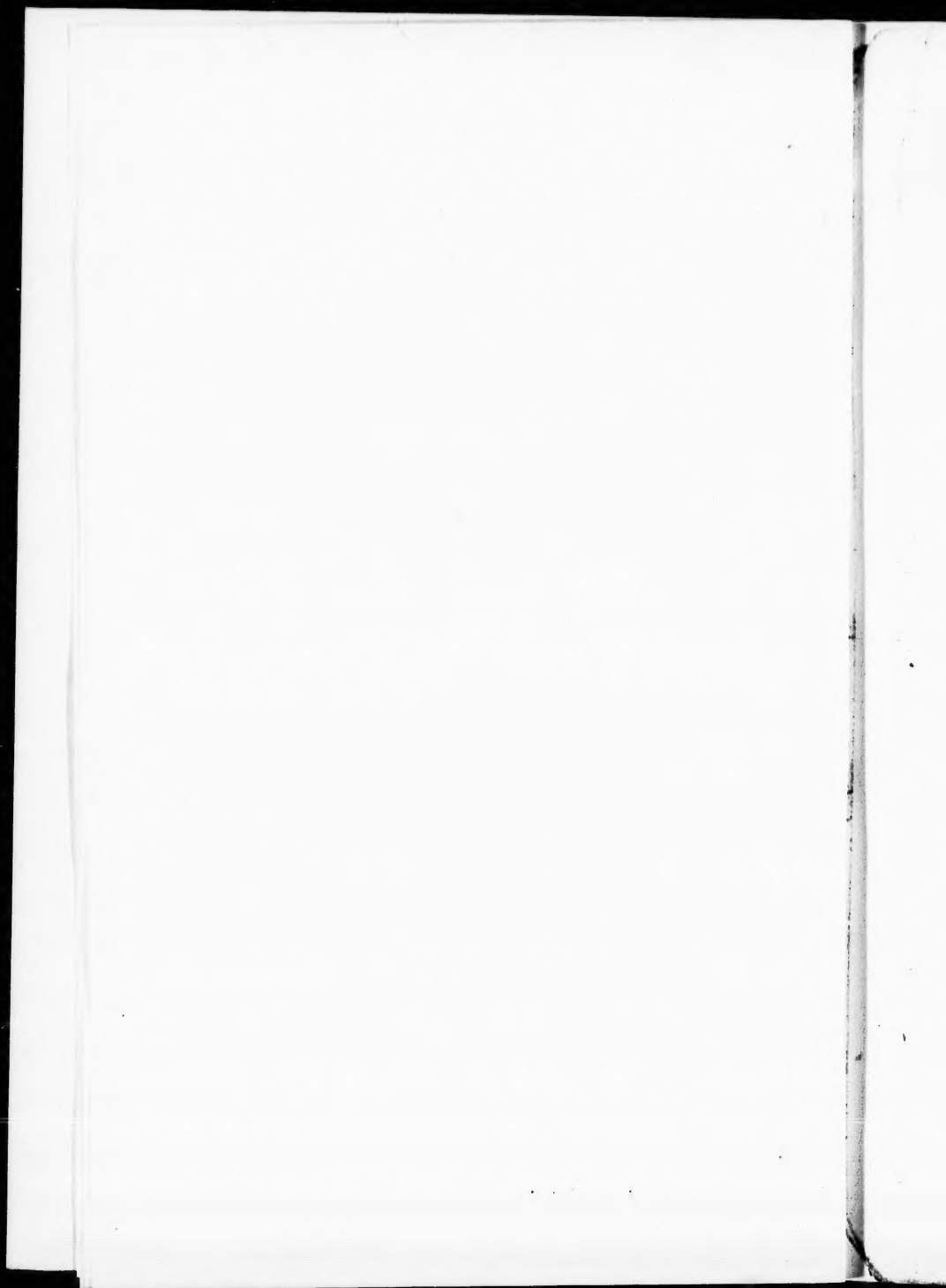


P R E F A C E.

In the following pages will be found a faithful *verbatim* copy of the evidence taken, the correspondence submitted, and the judgment rendered, together with a synopsis of the argument, in the celebrated cases of "The Queen versus Elmira Fuller, Peter Fuller and John M. Sager," charged with conspiracy and an attempt to levy black mail; and "The Queen versus Rev. Hugh Montgomery," charged with perjury. The prisoners in both these cases were examined at length and the defence entered into before Mr. Justice Foster, at Sweetsburg, at different times during the latter portion of the year 1872.

Owing to the very great interest taken in these extraordinary, not to say sensational cases, coupled with the fact that an imperfect and garbled report appeared in a local print, it has been thought desirable to publish the evidence, &c., in full, in order that the public may have an opportunity of forming an unbiassed opinion as to the guilt or innocence of the several parties charged with such serious misdemeanors.

Sweetsburg, January, 1873.



menses; I did so and also got her a box of pills from Mr. Nye. I heard no more of the matter until after she returned from prisoner Sager's, during the month of February, having been there a fortnight. Mrs. Montgomery, still not suspecting anything unreasonably wrong with Myra, said to me: "Myra is not getting on well at all;" had you not better speak to the doctor again, and get her medicine renewed, as the doctor at this time was calling once or twice a day, on account of Mrs. Montgomery's sickness; I did as Mrs. Montgomery desired, at the same time asking the doctor whether he thought there was anything very serious with Myra. He replied "he did not think there was," save a very bad state of the blood. Her protracted complainings, however, with remarks which I had heard made in relation to the undue interest which prisoner Sager took in Myra, with things that I had myself seen, led me to suspect that all was not right between Myra and prisoner Sager. I then took the first opportunity of asking Myra whether such things did not exist. I mean improper intimacy with prisoner Sager. I mean by improper intimacy illicit connection with Myra. At first she strenuously denied it, until I reminded her of what I had noticed at the Parsonage, in the vestry of the church at Pigeon Hill, and at prisoner Sager's own house. She then said that if as a clergyman I would not tell Mr. Sager, or any other person, she would tell me the truth about it. I told her I would not bind myself in that way; that as a conservator of the public peace as well as of public morals, I might be obliged in the event of her telling prisoner Sager, what I might say on the subject to use the information she might give me in self-defense, as well as for the public interest; but if she would on her part bind herself not to tell the prisoner Sager what I might say to her on the subject, then I would hear her statement.

She solemnly promised, as in the presence of God, invoking the divine to rest down upon her if she did. I then impressed upon her mind, that what she had voluntarily done, had the moral binding character of a most solemn obligation; to this she assented. She then commenced by saying in substance: I came to live with prisoner Sager in April 1869, and that the intimacy between us commenced early in the summer of that year, that it was continued at all times and in all places favorable for such intercourse during the whole of the period that she lived with prisoner Sager, and that it was her opinion, had she continued much longer she would have been in her grave, because of the severe cold which she had caught by her indiscreet exposures. She also acknowledged that the intercourse had been continued, though necessarily at greater intervals up to the time of her then last visit in February 1872; she especially referred to the prisoner Sager's visits in June and July 1871, which I have already referred to. In relation to the visit she made at Sager's house in September, that they occupied Mrs. Sager's bedroom as Mrs. Sager was absent at the time, as they previously had been in the habit of doing in Mrs. Sager's absence. I then asked her if she

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had occupied Mrs. Montgomery's bed-room in June and July while she was absent; she replied no, that they had taken the east room. She further informed me that generally when she went to Pigeon Hill on Sundays, while Mrs. Sager was at church she and the prisoner Sager, walked home together, leaving Mrs. Sager to ride home with me, that then they would enjoy each other's society, meaning that they would have sexual intercourse.

I then inquired of her, whether she was not afraid of becoming impregnated. She replied "No." Sager had told her that it would be very difficult to do that with her and that he was very careful not to do so. At all events she said she was disposed to let matters take their course as prisoner Sager had promised to go off with her should such an accident occur. As in duty bound I pointed out to her the awful consequence of such conduct and urged the absolute necessity of its being at once and for ever broken off; assuring her that she could not continue to live with us and act in that way, as we could not allow the Parsonage to be again so discredited as it had been by them; she pledged her word that it should be broken off and that prisoner Sager would agree to it. I then gave her the book called "Laws Serious Call" to read and other works of similar character in order that she might prepare for baptism, of which she had frequently spoken, and concerning which she had written to her parents.

Nothing more of importance was said on the subject until one day Mrs. Hutchinson accidentally met Dr. Brigham on the street and told her that Myra was not getting any better, and that he should call and see her and renew her medicine. He stated if she wanted medicine she must come after it. (Wherever I use intimacy, I mean sexual intercourse, and as to indiscreet exposure that I talk of, I mean her going to barns and other places with prisoner Sager was to have sexual connection.) Myra went after the medicine to Dr. Brigham's and she returned with a viol salt. A short time after that she came to the library. I think it was in April last, and said to me that she had obtained leave of absence from Mrs. Montgomery to go to Pigeon Hill, rest and take her medicine. The doctor said that it was necessary and that she also intended to go to Swanton to be doctored by an old lady there, of whom she had heard; she told me the old lady's name but afterwards forgot it. I since learned that her name was Barney; she also said she wished Mrs. Montgomery and Mrs. Sager not to know she was going to Swanton as it would cause her to be talked about, as she had been once before without any cause. I told her that if she intended to go to Swanton she had better take care what she did, and run no risk of life or health, referring at the same time to fatal cases of which I had read; she said she would not run any risk but was only going to get advice and be doctored by the old lady referred to. In a day or so afterwards she told me she was ready to go and wished to get some money. I said I have not a sufficient quantity of American money to pay your back wages or to pay your expenses there, and the purchases you intend to make, but I will give

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you what I have now, and in consequence of your faithfulness to Mrs. Montgomery during her sickness of the small pox, I will send you whatever more you may require; the balance, if there be any such, you can work out on your return, and as I am going to-morrow to Peter Smith's store, I can carry you to the station, which will save you your stage fair. Myra went, I believe, to Swanton and stayed away longer than we expected, so that we sent word back by Dr. Brigham, who was going to see a patient there, that she should return as soon as practicable.

Having a professional account with Dr. Brigham, I gave him \$50 and requested him to give Myra the amount that she might require, to charge the same to me and that we would settle at another time. Myra returned the following Tuesday to our house, bringing with her Mrs. Lawrence, at whose house she said she had been stopping. Myra told Mrs. Montgomery and Mrs. Hutchins that she had been doctored by old Mrs. Barney, that she had steamed her and given her an herb called Arch-Angel; that on a Sunday being thrown from a swing and much jarred, that whether it was the do ing or the fall had helped her most, she could not say, but that she had come round all right. She also told me that she had consulted a doctor there, and that in a few days she would be able to resume her place again, but that she was very weak. Shortly after her return she wrote to Mr. Sager, having written him when at Swanton, informing him of her return; in the meantime she remained at my house.

A few days after her return Mr. Sager came to see her; they had a private interview in Mrs. Montgomery's bed-room, where Mrs. Montgomery found them. The prisoner Sager took Myra a ride that day. She caught cold and was under the doctor's care for several days. I inquired of her in relation to this interview in the bed-room, to which Mrs. Montgomery took the greatest exception, Myra told me they were talking of breaking off the illicit connection between her and Sager, and the bed-room was the only private place they could then conveniently obtain. Mrs. and Mr. Sager again came down together, called at the Parsonage, and then went down to Mrs. Strite's, where they took dinner.

I went to Pigeon Hill to see a sick man and administer the Holy Communion. In my absence Mr. and Mrs. Sager returned to the Parsonage and went with Mrs. Montgomery to Myra's room. Mrs. Montgomery, having occasion to leave the room in order to attend her household affairs, was followed by Mrs. Sager, leaving prisoner Sager and Myra as she said to visit together; so said Mrs. Sager. After considerable length of time Mrs. Sager went to the foot of the stairs and called up to the prisoner Sager that she was going back to Mrs. Strite's, but there was no reply. Mrs. Montgomery, whose suspicions were somewhat excited, ran up stairs; the prisoner Sager left the room with his back towards her, his face she could not see. Myra at this time was confined to her bed in the room where they were. On the morning of the 19th of June last (1872) when I left home to go

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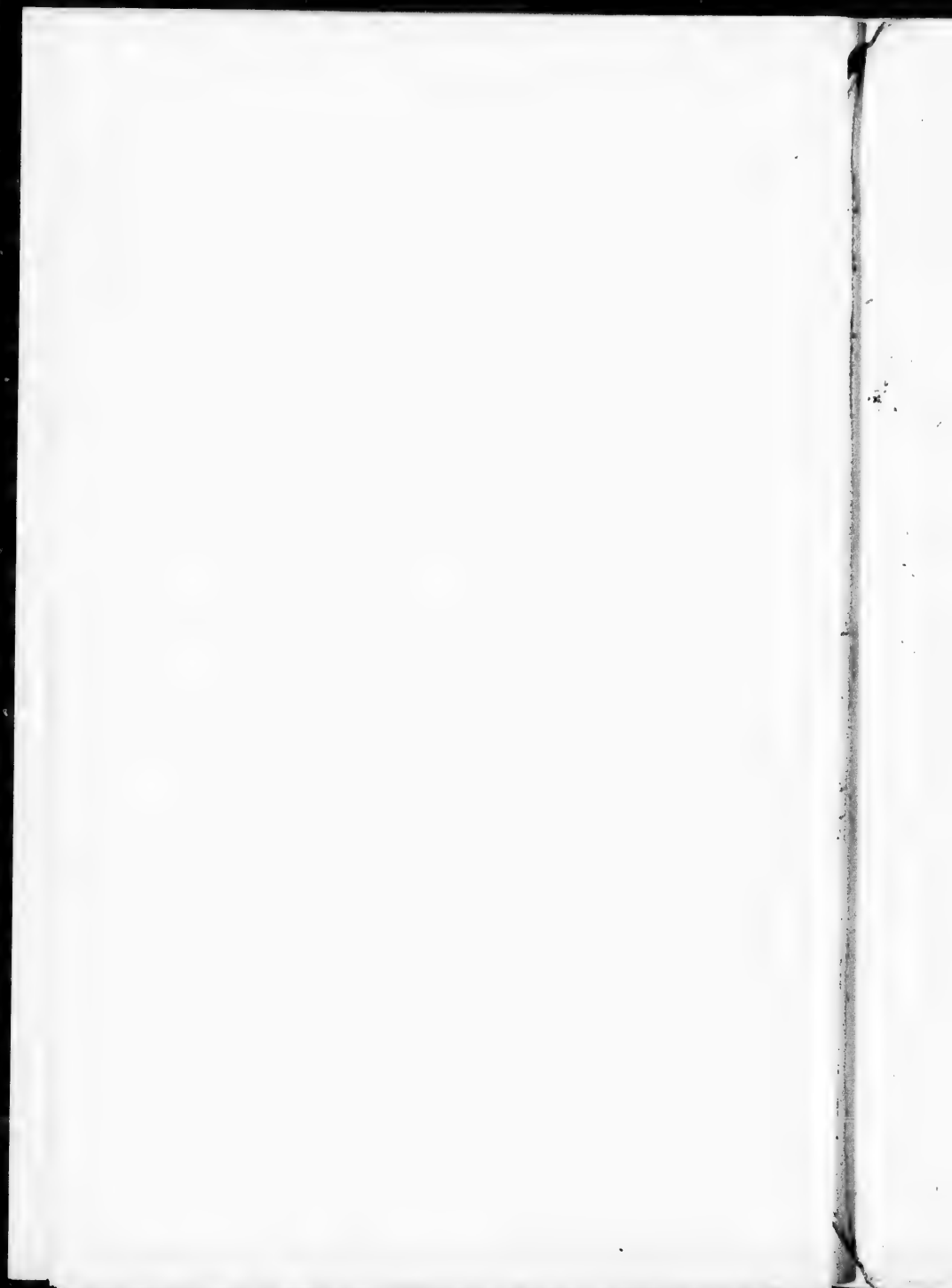
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to Montreal to the Synod, Myra was up at about five o'clock, appeared to be well, cheerful and contented. Early in the forenoon Mr. and Mrs. Sager arrived at the Parsonage and there spent together the greater part of the day; Mrs. Sager leaving part of the time to visit Mrs. Kerr. The prisoner Sager and Myra were together in the library, in the carriage house and in the garden. Some of the neighbors say they were seen not only in close conversation, but with their heads actually touching each other. Towards the evening of that day Mrs. Sager relinquished her seat in her own carriage, and took one of the public stages, while the prisoner Sager and Myra rode home together in the covered carriage. On the next morning the 20th day of June, the prisoner Sager and Myra were down to Philipsburg at the Parsonage, before six o'clock, a distance of about seven miles, where they took breakfast. Myra, under pretence of getting some dress or articles which she wanted during her contemplated visit of a fortnight, which she intended to make at Sager's and at her parents at Farnham, packed up every article she supposed that belonged to her, unknown to Mrs. Montgomery, who was confined to her bed, her infant being only a few days old, and after that hurriedly left for home. On the following Sunday, June the 23rd, I received the most insulting, black mail letter which I now produce marked A, this letter is signed by prisoner Sager. The letter was handed to me by Niles Evans, together with the church warden book. This occurred in the Vestry before service; Sager used to attend regularly and was one of my Church Wardens. The Myra referred to in that letter is the prisoner Myra.

On the 24th day of June last I sat down and wrote a letter to the prisoner Myra, which I was satisfied would be read by the prisoner Sager, in which I expostulated to them on the consequences of the course which I foresaw they were about to pursue, praying them for their own sakes, feelings and credit of friends, credit and interest of the Church of God, not to do it, at the same time assuring them that they would never be able to extort a black mail from me to the extent of five cents, for I had violated no law either human or divine in the matter, and would defend my character, at the same time advising them to go to some respectable lawyer, shew him my note and take advice before proceeding any further, and that if they wished to live peaceably with their neighbors, I would forgive the past, but if not, the thing should be pushed to the utmost legal extent. In reply to this, I received the letter now produced from prisoner Myra and marked B., signed by prisoner Myra Fuller.

I understood the matter to settle was that contained in Sager's letter as well as in her own, an attempt to extort money from me. In my letter I refer to the attachment of my son Thomas to Myra and friendship to the family generally, that is the Thomas referred to in Myra's letter to me marked B, in which letter she charges me with having got her in the family way.

On the twenty-ninth of June, the prisoner Peter Fuller, Myra's



Father, arrived at the Parsonage and was apparently much disappointed in not finding Myra there.

On Sunday morning June 30th before Myra's father left to go to the prisoner Sager's house at Pigeon Hill to see his daughter, I handed him an open note to her, in which I requested her to try and prevail on her father to stop until Monday, in order that they might come down to the Parsonage together, look over her account for wages, and that I was persuaded in less than half an hour we could close it satisfactorily. I wanted Peter Fuller, Myra's father, to be present at the settlement as she was a minor and could give no legal discharge for her wages. At that time I was not aware that a minor child could give a discharge for wages to a certain amount.

When I arrived at the church at Pigeon Hill on the afternoon of that day, the 30th June, I found the prisoner Peter Fuller there who came as I was getting my horse fastened to the fence and in a very excited manner charged me by saying: "I know now, the reason why Myra left your house;" he said that I had had carnal connection with his daughter, since her return from Swanton and that she was pregnant by me. I told him "It is false." He said he was glad to hear it, but charged me with sending her to Swanton, and that by so doing I had committed murder. I remonstrated with him on the very excited and incoherent manner in which he spoke, told him not to expose his daughter's character in public in that way, and the Church of God to such a scandal. He still went on talking loudly and excitedly. I told him I had not sent her to Swanton nor had I anything to do with sending her there. He said "Was it not your money that supported her while there?" I said "No it was her own wages;" that we were indebted to her at the time of her leaving to go to Swanton, and that we also intended to make her a handsome donation or present on account of her faithful services during Mrs. Montgomery's sickness. Prisoner Peter Fuller said I must now call on him next time, that he would not call on me again. He gave me a fortnight to settle the matter; he said he did not like to wait so long, and that if I did not settle in that time, he would prosecute it to the utmost extent of the law, meaning taking legal proceedings against me. The prisoner Peter Fuller never mentioned a sum of money, he only wanted to settle the matter and threatened to prosecute me if I did not settle. On account of what he alleged, was my conduct with his daughter Myra.

I swear in the most positive manner, and without any equivocation or hesitation, that I never had on any occasion or at any place, carnal connection with the prisoner Myra Fuller, and that it was utterly impossible that she could have ever been pregnant by me.

The matter under investigation has called forth a great deal of talk and has tended materially to injure me and my character, as a minister of the Church and as a citizen. Knowing the facts as I do, it is my opinion that all these circumstances is an attempt to extort money from me. Prisoner Fuller never said that he had any conversation with Sager about the matter.

Cross-
M. Sage

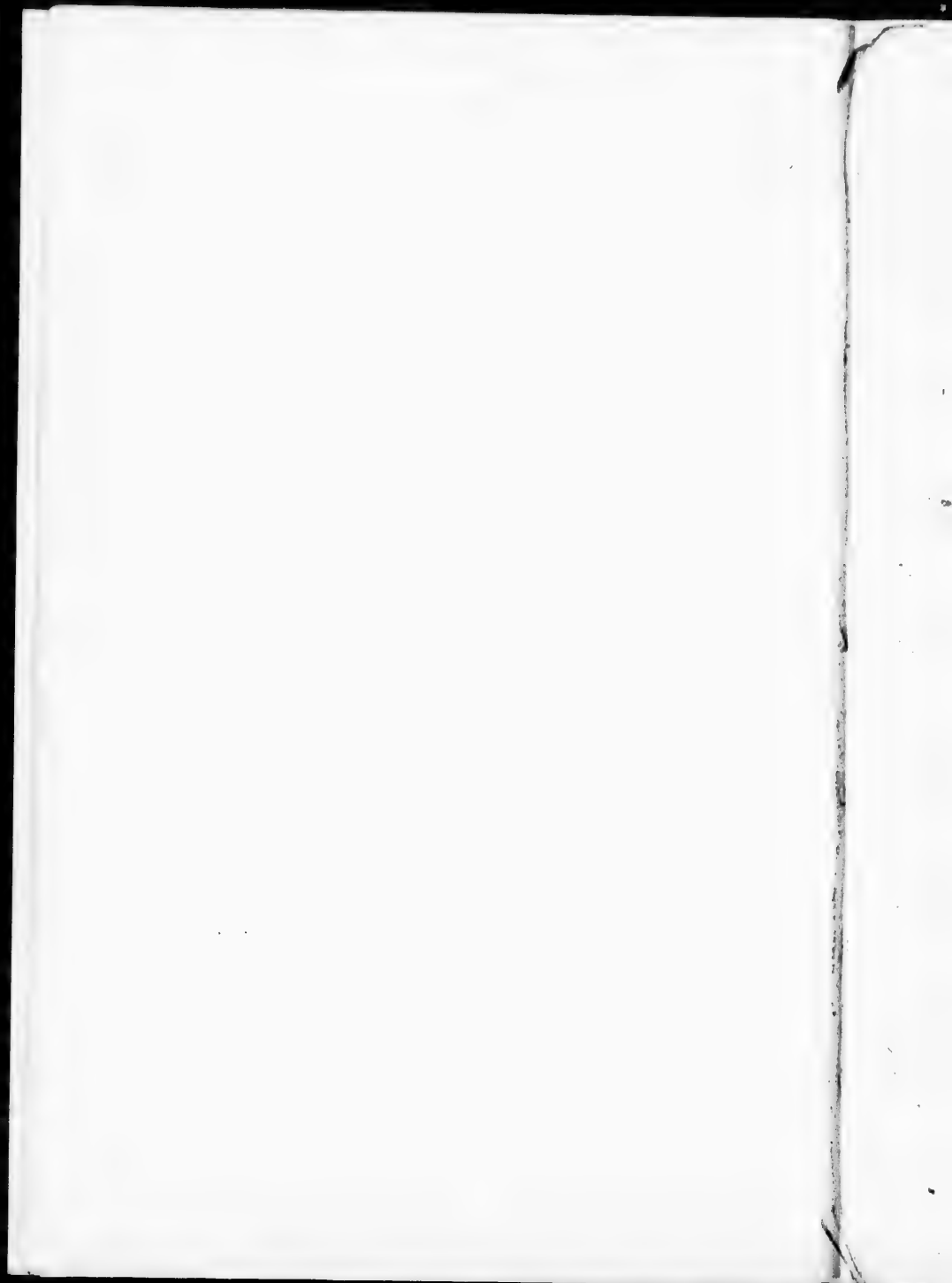
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Cross-examined by J. O'Halloran, Esq., Q. C., on behalf of John M. Sager and Elmyra Fuller.

I understand prisoner Myra Fuller has a step-mother. I have understood it was not pleasant for Myra to live at home. The first time I knew Myra, was when I found her living at prisoner Sager's at Pigeon Hill. At the time I hired Myra, she had not finished her time at prisoner Sager's, but at my intimation that I wanted a girl, they agreed to relinquish their claim for the balance of the time she was obliged to serve, in order that she might come and live with us, thus accommodating Mrs. Montgomery and myself as well as providing a good place for Myra. They seemed to be friendly towards her. She was frequently going backwards and forwards between my place and Sager's. I could not say that she made Sager's place her home. Her father, on one occasion, came and took her home, during the time she lived with us. I have no knowledge she went to her father at any other time; she had proposed to go again this summer; but she frequently went to Sager's; she would go there sometime during the week, and remain till Sunday, and very frequently went there on Sundays. I used to take her to Sager's occasionally. Occasionally I would take Mrs. Sager home from church and Myra would walk home with Sager. Sager's place is nearly half a mile from the church at Pigeon Hill. Mrs. Sager appears to be a heavy woman and one would reasonably suppose that a lady of her age and size could not walk as readily as a young woman. I think, on an average, Myra used to visit Sager as often as once a fortnight. Mrs. Sager as well as Mr. Sager used to call and see Myra at the Parsonage. Both Mr. and Mrs. Sager appeared to take a great interest in her. I was told that in July 1871, Sager and his wife called at the Parsonage to see Myra. Until after the lapse of the first nine months we suspected nothing; after that we commenced to suspect something was wrong, that is, that Myra had had criminal connection with prisoner Sager. (It was after July, 1871, that I began to entertain these suspicions.) I did not mention my suspicions to Myra, prisoner Sager or any other person. I did not mention them to any one, till I mentioned them to Myra herself in February 1872. It was on that occasion she made a full confession to me, and in that confession, she admitted that she had had carnal connection with Sager. I said nothing about that confession, I was not at liberty to do it. I only once told him that his conduct towards Myra was strange, and required explanations; this remark was made to prisoner Sager at my place, and during the time Myra was at Swanton; he had apparently come for the purpose of inquiring after Myra.

I made no mention of the confession Myra made to me to any one, not even to my wife. The prisoner Sager was a communicant at my church; I think he communicated in the church at Easter Communion. I had no assurance from Sager, that he had ceased his connection with Myra. At the time Myra made her confession to me, Sager was the people's church-warden. At the Easter meeting following, I



appointed him my church-warden, I could get nobody else—I appointed him, supposing that every thing would be all right for the future.

The things which I had heard, seen, and her continual sickness made me interrogate Myra about her connection with Sager. The first intimation I heard, was from Mrs. Keenan and other people, but I do not recollect the names. Each time that Sager visited at my place, he spent the greater part of his time in the kitchen with Myra, saying that he preferred to be there. On one of those occasions, I happened to pass through the kitchen, Myra sat at one end of a table, the prisoner Sager quite convenient at the front of the same table; when I opened the door, his head was down on the table, convenient to hers. They appeared to be engaged in a low and close conversation; she sat at the end of the table and he sat by the corner.

I was unrobing in the Vestry of the church at Pigeon Hill. Mrs. Sager was within the chancel getting the communion plate. Sager and Myra stood in front of the door, leading from the Vestry near the communion rails, Myra leaning against Mr. Sager; Mrs. Sager came behind, and with her hands pushed them apart, with a laugh, in order that she might pass between them. On one of the week day occasions, on which I took Myra to the prisoner Sager's, we took dinner there. After dinner, Sager and Myra had left the room where we were sitting. I was conversing with Mrs. Sager, she appeared to be uneasy and concerned about something; she asked me to walk out and see the flowers; we went out and behind a shrubbery at a distance, we saw Myra and the prisoner Sager, standing, apparently in close conversation; shortly after they saw us and separated. The last thing I have to refer to, is that at times, when Myra would be at prisoner Sager's, I sometimes saw them coming from the front rooms together, most generally from the cellar together, looking much confused, with a few apples in a dish. I also heard from Miss Charity Brimmer that a sexual connection was supposed to exist between Myra and prisoner Sager; that Myra's father had been told of it and that in consequence, he took her away one night at a late hour, in the beginning of the winter; that she would not remain at home, and in about a fortnight, she returned to prisoner Sager's. I never saw Sager taking any indecent liberties with Myra. The sickness I allude to, was the irregularity of her monthly courses. I had previously given her some medicine, which I got from Dr. Brigham, as well as a box of pills I got from D. T. Nye of Philipsburg; this medicine I procured at the instance of Mrs. Montgomery; I cannot say what kind of pills I had, but they are supposed to regulate female difficulties; they were in a box. I never procured for the prisoner pills in a bottle like the one now shewn me. They were in an oblong box. I had pills from Dr. Whitwell in a bottle, but the bottle was not like the one produced. I never purchased pills in a bottle like the one produced marked C. I had some conversation with Mrs.

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Sager about some herbs for Myra. I may have told Mrs. Sager, I cannot say, that Dr. Brigham said the herbs were not strong enough, but I don't recollect.

At the time of the confession, Myra did not say that she was pregnant, but I thought it possible that she might be, which led me to make the inquiry.

I think in May 1871, I made use of mesmeric passes over Myra, for the removal of pain and tooth ache, in the presence of Mrs. Montgomery, and the same means I had adopted with Mrs. Montgomery and other people. I repeated this afterwards on different occasions. I did succeed in exercising mesmeric power over her for the removal of pain, and to such an extent, that in passing my hands over her eyes, she apparently could not open them. I never said that I could mesmerise Myra easier than any other person. I never exercised that mesmeric power at any other time, only when she was in pain. At times, in presence of Mrs. Montgomery, I got her in such a mesmeric state, that she could not distinguish water from wine and imagine she was visiting her friends. Once she and I were alone when my wife was visiting at her father's; I think it was in November 1871. I never administered an oath to Myra, except the obligation I have already stated in my examination in chief, which was in the month of February last. The obligation that I refer to, was, in this way; that she was not to reveal anything that I should tell her, in relation to the sexual connection between her and prisoner Sager; that I was not to reveal anything she might impart to me, except that I was at liberty to do so for public interest and self-defence, should she break her obligation; then she made to me that confession. The secret that I communicated to her was what Miss Charity Brimmer told to me.

I made payment to Myra of her wages from time to time; at the time she went to Swanton, we might have owed her about \$20. At the time Myra started for Swanton, I gave her \$6.50 in American money. Dr. Brigham told me he did not know what was the matter with Myra, he thought it was something wrong with her blood. I had my suspicion of her state, but was not sure. I only know that she went to Swanton to be doctored, as she told me. The reason why I cautioned her to be careful of her life and health, was that I had heard of people losing their life in having abortion procured. I had the suspicion that she might go there for that purpose, and for that reason, I gave her this caution, although she denied it to me. When she was going to Swanton, I gave her the American money which she desired and told her that as she was going to Swanton, she had better be careful what she did and run no risk or health or life. She replied she was not going to run any risk, she was only going to get advice and to be doctored by Mrs. Barney. Then I related to her the instances of people of which I had read, losing their life by having abortion procured. She did not wish that Mrs. Montgomery or Sager should know anything about where she was going, least she



should be talked of as she had before been without cause. I don't know if any body knew of her going to Swanton, but myself and perhaps Dr. Brigham. I have reason to believe that Dr. Brigham knew that she was going to Swanton. I don't know what she went to Swanton for, and I don't know what belief I can have about it, as the stories are so conflicting.

I know now by report that there is such a man as Dr. Morrell in Swanton. I never saw the man. I have heard his wife is some relation to Dr. Brigham. I have heard a Dr. Bourdon is living in Swanton. I have had letters from him. He claims to have rendered professional services to me and has written letters which I have no objection to produce and I do produce them marked "E." I also received a letter from Mr. O'Halloran, as an Attorney for Bourdon, demanding payment of an account. I received letters from a person styling himself Dr. Bourdon demanding payment for some professional services; he is a stranger to me; I cannot imagine what services he referred to further than his letters. He alleges it is for services rendered to my chamber maid; I never directly or indirectly paid him anything on account. I never heard there was such a man existing until Myra returned from Swanton. I gave Dr. Brigham \$50 to place to my credit, when he was going to Swanton, out of which he was to give Myra what she required and that we would settle the account at another time. I gave him that money when he said he was going to Swanton or shortly after. I don't know the amount that he lent for Myra at Swanton. I heard it was \$30. I requested Dr. Brigham to call when at Swanton to see Myra; he said he found her sewing a dress apparently quite contented and indifferent as to staying there or returning to our house. I have not received any bill from Dr. Brigham since Myra's sickness; I presume he has charges against me for services rendered to Myra. I know a woman whom Myra brought to our house she called her Mrs. Lawrence, and she remained with Myra at our house from Tuesday to Saturday. I had conversations with her and she told me that Myra had recovered her courses; while there I drove Mrs. Lawrence to the grave-yard and across the boundary line to show her the country, at the request of Mrs. Montgomery and Myra. When Myra returned from Swanton she appeared to be feeble. I cannot not say the reason of her being feeble, I suppose it was the doctoring. Prisoner Sager and his wife visited her at different times. Sager's first visit was alone, he took her out to ride and Myra caught cold, and was confined to bed for some time. During the time Myra was at Swanton Mr. and Mrs. Sager enquired where Myra was gone. I told them she was gone over the line, but I did not tell them to what place. Mr. Sager expressed a great concern and Mrs. Sager a moderate and proper concern about Myra. I told Dr. Brigham to tell Myra she had better write to Mr. and Mrs. Sager from Swanton to let them know where she was. Dr. Brigham brought a letter back. I saw it in his hands. I did not read it. Mrs. Montgomery was uneasy, because she was kept in ignorance where Myra was, at Myra's

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own request. After Sager received the letters I had a conversation with him and he told me it not satisfactory because there was no place nor date to the letter. Probably I did request Myra to write Sager's people to come and see her that they might know she had returned. I did not see the letter she wrote, she told me she wrote a letter. I never read her letters. I had no interview with Dr. Brigham before Myra went to Swanton, about her going there. I don't know if Dr. Brigham made a private examination of Myra in my library. She was alone with him there a few minutes. Myra left my home hurriedly and unknown to me. I cannot tell why she did it. I did not write her to induce her to return further than what is mentioned in the letter of the 24th day of June. I have no recollection of writing her to return back and offering her a good home, save what is in the letter of the 24th June.

Being shown letter marked E, I say it is my hand writing and addressed to Myra.

When Peter Fuller came to my place the 29th of June he made no demand for wages. Myra Fuller the prisoner up to that time had made no demand of me for settlement of her wages. If Dr. Brigham gave Myra the \$30 at Swanton, we should not have been indebted to her at that time for any wages; we intended to make her a donation for her kindness during Mrs. Montgomery's illness. It was understood that if she had been over paid she was to work it out on her return. So, possibly as far as wages are concerned, she was over paid. Neither herself nor any other person on her behalf ever asked me for wages.

After she had left my house, Sager and herself were making a large demand on me for money, for pretended wrongs done by me as set forth in letters produced marked A. and B. The letter marked A. was dated the 22nd day of June and the letter B. was dated the 18th, and post marked the 28th June, last. I received the letter post marked the 28th on the 29th of June. Being shown letter marked T bearing date the 30th of June, it is in my handwriting and addressed to Myra Fuller.

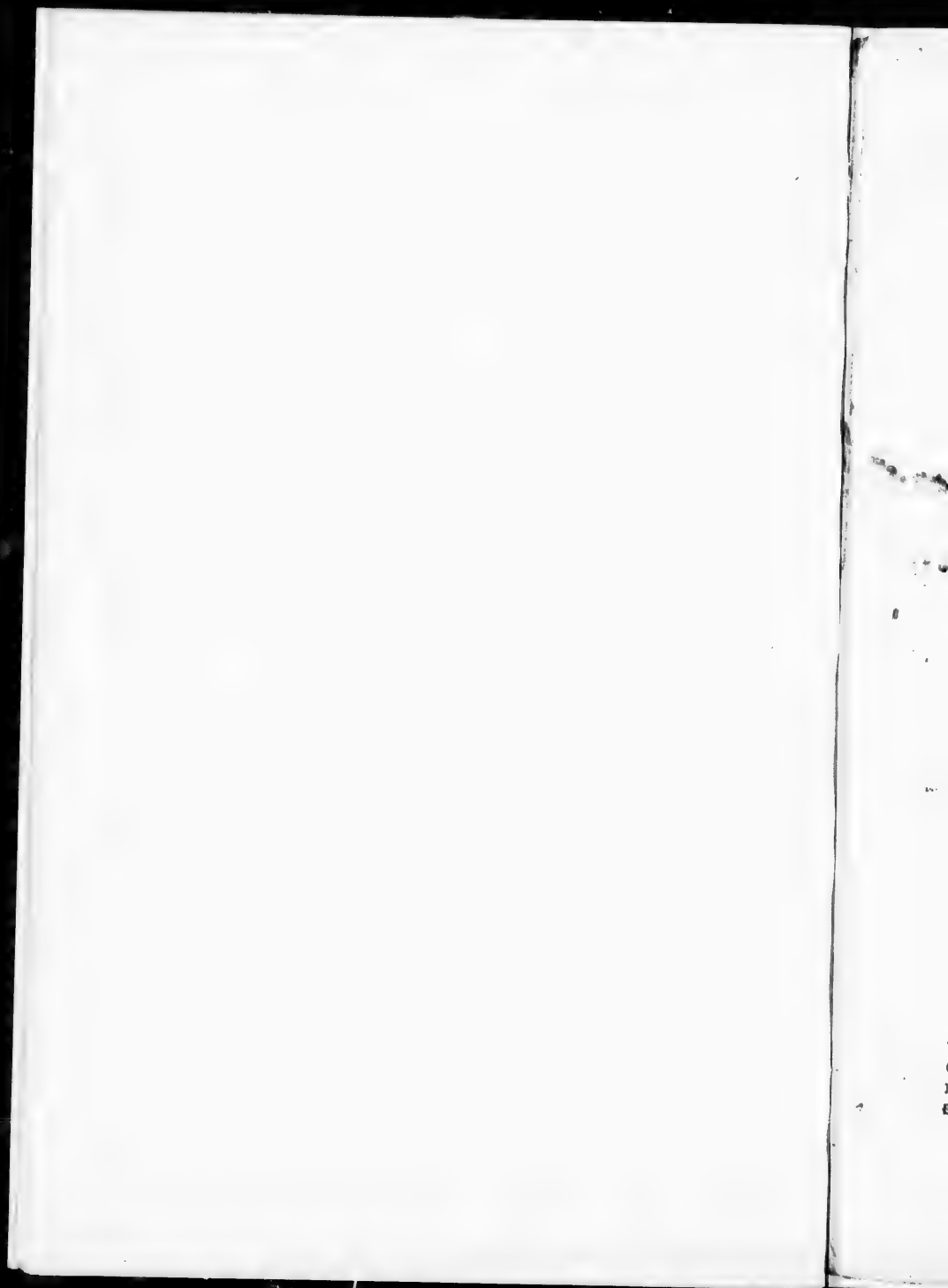
Question.—You have said that you owed Myra no wages, neither she nor anybody else had laid claim to wages, no demand was made upon you except for pretended wrongs you had done to Myra. What is it you were to settle in half an hour so that you and Myra might part amicably and honorably?

Answer.—Her wages accounts.

Question.—What dispute was there about the wages account: she having been overpaid and asking no more?

Answer.—There was no dispute, but I wanted a legal receipt which I suppose she was not qualified to give.

I never stated that I sent Myra Fuller away from my house fearing that she had symptoms of small pox, and I never gave that as a reason to anybody why Myra left my house to go to Swanton. I concurred in giving the impression to Mrs. Montgomery that Myra had gone on



a visit to Sager's, when she really left for Swanton. I saw her on board of the cars myself when she left for Swanton. When I hired Myra it was agreed with her father that she could leave on a fortnight's notice.

Peter Fuller, by his Attorney W. W. Lynch, Esquire, declines to cross-examine.

RE-EXAMINATION.

I do not know the bottles like the one now produced are put up in boxes. I learnt biology from the late Reverend Morris of Huntington in 1848 or 49, and was accustomed to use it for relief of pain in my family and members of my household. I learnt it for the purpose of relieving the sufferings of my late wife and found it effectual. The resignation of my Rectorship was made long anterior to this affair in September 1871, and had no reference whatever to this matter.

Further deponent saith not.

Signed,

H. MONTGOMERY,

Acknowledged this 6th Sept. 1872.

(Signed)

SAM. W. FOSTER, District Magistrate.

Mrs. Montgomery's Evidence.

The deposition of Eliza Mary Slack wife of the Reverend Hugh Montgomery, the last witness, being duly sworn doth depose and say: I know the prisoners, Myra Fuller formerly used to be a servant girl for us. She commenced to live with us in September 1870 and remained with us till the 10th of June last; she was living with the prisoner Sager, before she came to live with us. She had her father's consent to come. Her father and step-mother came to our place and made arrangements for her wages. Sager used frequently to visit Myra at our place. Mrs. Sager not so often. He used to converse with us all as well as with Myra.

For a long time I thought that there was nothing improper with Sager and Myra, that they were only good friends, she having lived with Sager so long. In the month of March last I suspected an impropriety existing between Myra and Sager. Prisoner Sager and his wife came to our house and stayed there all night. Next morning Myra and myself were in the kitchen when Sager came and requested Myra to go down to the cellar for some vegetables, Sager saying: "Please Myra, may I go down to the cellar?" and they went down; they remained there a short time. I did not see anything strange in their appearance, I only thought it was a strange place to go to. On the 27th of April last, Sager came alone to our place, Myra was not there. On the 24th of May last Sager again came to our house about ten in the morning; shortly after I missed Sager and Myra from the dining-room, where they had been sitting. I went up-stairs and enquired after them of Mr. Mont-

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gomery. He did not know, and I finally found them after some search in my bed-room with the door shut; they were seated by a table and were conversing together; I said, "I did not know you were here," I shut the door and left them. I would not have thought it strange for Myra to be in my bed-room, but I thought it exceedingly improper for Sager to be there. Neither made any remark. That afternoon Sager took Myra out for a ride and he returned home, not coming to the house again at this time. He came again however, on the 3rd of June, Mrs. Sager was with him. They both went up-stairs with me to Myra's room. Mr. Montgomery was absent. Mrs. Sager and I sat upon a lounge and Sager on a chair by Myra's bed, she being sick at the time, and we remained conversing about twenty minutes. I had occasion to go down-stairs, and after a few minutes, Mrs. Sager came also, leaving Sager in Myra's room. He remained there about half an hour with Myra, it was getting late and Mrs. Sager went to the foot of the stairs and called Sager. There was no reply. I then went up-stairs and found Sager in the room sitting on the same chair near the bed; he then turned with his back towards me and left the room. Myra looked very happy.

On the 19th of June, during Mr. Montgomery's absence in Montreal, the Sagers came to the Parsonage. They stayed a day, but I did not see anything wrong, as I was sick in my bed. Myra returned home with them about five o'clock, with my permission. Myra's leaving was carrying out an understanding between us. The next morning, before six o'clock, Myra and Sager returned to the Parsonage. Myra came to my room and said she had come after some things, to sew, during the two or three weeks she expected to go to Farnham. Sager came in and sat down; they then had breakfast and both went away. I found out the same day, and by being told a few days afterwards by my own observation, as soon as I got well, that she had taken away all her clothes on the occasion of her coming with Sager.

When I speak of improper conduct between prisoner Sager and Myra, I mean conduct that is suspicious between the two sexes. I noticed Myra appeared to be ill in the early part of the winter; I requested Mr. Montgomery to speak to the doctor about her; the sickness spoken of, was as I was told by Myra herself, the irregularity of her monthly courses. I saw the medicine the doctor prepared for Myra. I remember that she had two different kinds of medicine to take, when one kind was finished, the Dr. gave her another.

Prisoner Peter Fuller was at our place during the last of June and found that Myra was gone; he stayed all night, left the next day morning for Pigeon Hill.

On the 5th of July, Peter Fuller returned. Mr. Montgomery was still absent from home. I said if you have anything to say, you can say it to me. He appeared to feel bad, but was not excited. He asked me "Did you know why Myra went to Swanton," I said "I did not know, I only mistrusted." He said, "Mr. Montgomery sent her there," and he wished Mr. Montgomery to do what was just and



reasonable ; I understood it to mean money ; he did not mention any particular sum. I said what if Mr. Montgomery will not do what you call just and reasonable ; he replied he would proceed to the law, and he did not say anything more. I questioned him in regard to a family in Farnham of the name of Cornell, whom Myra said she knew she also said Mrs. Lawrence's name was Cornell ; he replied that it was all false.

Cross-examined by James O'Halloran, Esquire, Q. C.

My family and prisoner Sager's family exchanged visits: I never saw Mrs. Sager at our house before Myra came ; I don't remember as to Mr. Sager, he might have been there, I had previously seen them at church. Mrs. Sager was never at our house but four times. I cannot say how many times prisoner Sager was there. Mr. Montgomery invited the Sagers to come to our house, they came in March last ; I cannot say by written invitation or not ; they also came in May and June last ; Sager went into the cellar with Myra in March last ; Mr. Montgomery had promised Sager some cabbages, as he had more than he required. I can't say that it was for the cabbages that he went in the cellar.

During the month of February last, no one came to our house, as I had the small pox, but letters came and went ; (letters filed by the prisoners and marked S, in the hand-writing of Mr. Montgomery.) I used to ask Mr. Montgomery to take Myra up to the Sagers on a Sunday, because she would be better natured during the week, and his doing so was partly my fault ; she did not look upon Sager's as her home, she always spoke of Farnham as her home ; I always thought she looked upon the Sagers as friends, and on account of their being older than herself looked up to them.

She was never called Myra Sager to my knowledge, at Philipsburg. It was understood when she came to live with us she might return to Sager's whenever they wanted her. Sager took Myra once on a Saturday in the fall of 1871. He took her away in June last, the day before she left for good ; Mrs. Sager was with him when he took her away in June. I have often seen Myra and my husband talking alone, but I thought nothing of it. Prisoner Sager used to follow Myra and seemed to prefer her company. I thought they were good friends for a long time ; I suspected nothing. Myra was often in the library with my husband, when she was sweeping the room and would go in and out ; she never took her work there to sit, only when she was sick last spring, and could not go up and down stairs ; she used to sit there in May last, because it was a warm room. I do not remember her remaining in the library after I had gone to bed. I remember my husband used sometimes to mesmerise Myra ; my husband told me she was a good subject for mesmerism, and he exercised mesmerism influence over her to relieve pain ; when Myra was under the influence of mesmerism, he could make her believe one thing was another ; he could shut her eyes so that she could not open them. My husband was kind to Myra, but to my certain knowledge he never

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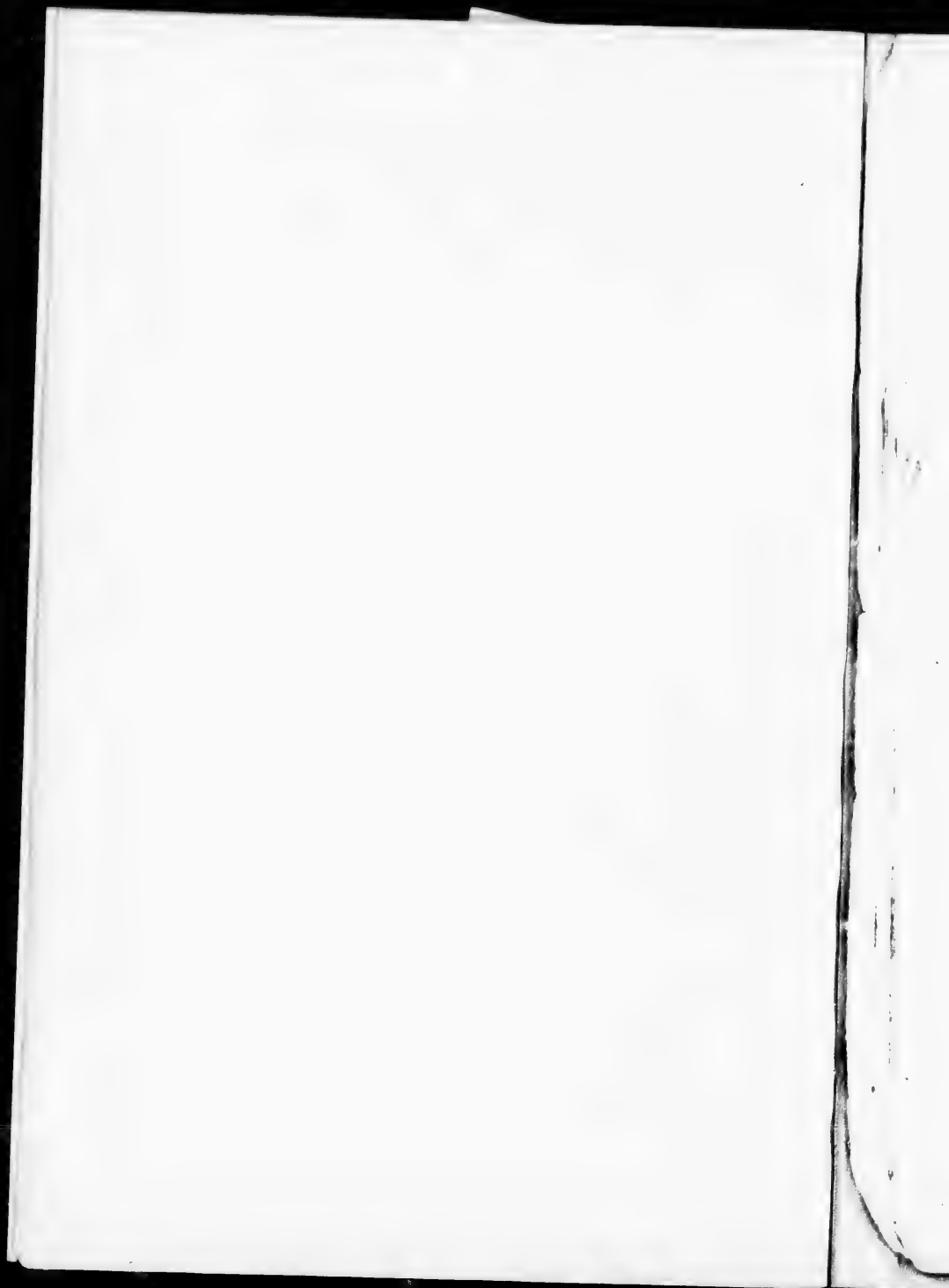
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liked her looks. Myra used to keep house, so that I could go to church on a Sunday morning at Philipsburg; occasionally in the afternoon, once in three or four weeks. Myra went with Mr. Montgomery to church at Pigeon Hill.

When Myra complained of being ill last February, my husband told me she had confessed her intimacy with Sager. Mr. Montgomery did not tell me that Myra was in the family way. Mr. Montgomery got her a box of Herrick's pills and Dr. Brigham gave her two kinds of medicine to my knowledge. When Myra left our house to go to Swanton, I understood her she was going to Pigeon Hill; my husband took Myra with him from our house to take her, as I understood, to Pigeon Hill; I was deceived as to where she was going. Prisoner Sager came to our place about a week after, inquiring for Myra, that was the first time I heard she had not gone to Sager's; when Sager learnt that Myra had gone to a place unknown to me and himself, he manifested too much concern! I manifested concern too. I immediately enquired from my husband what it meant. My husband did not seem to know any certain place where she was gone; the explanation he gave me, was that he advised her not to go to the Hill, as she would be taking medicine and take cold; that she had gone to a place where she would be well taken care of and doctored; he did not say where that place was. I frequently asked him to tell me the name of the place; he said he did not know where it was, but if I wished to know, to ask Dr. Brigham. I do not recollect his giving me to understand that Myra was on the other side of the line. I do not believe that my husband had any communication with Myra when she was on the other side of the line; he told me she was coming back, she having only a leave of absence for a fortnight. We were both surprised that she had not returned; a short time before Myra returned, my husband told me she would come back on a Monday, but she returned on a Tuesday. When she returned, she looked pale, but had been looking so all winter. A day or two after her return, she was obliged to take to her bed. I do not recollect my husband requesting her to write to Mr. or Mrs. Sager to come and see her.

Before I found prisoner Sager in my bed-room, as I had stated in my examination in chief, Sager, Myra and my husband were conversing together in the sitting-room, the door was open and I did not pay much attention, and I do not know what they were talking about. I am not aware that it was at Mr. Montgomery's request that prisoner Sager and Myra went to my bed-room; I only know that I found them there, the door was shut, and that Myra was resting her head on her hands. I do not remember seeing any tears; I remained there long enough to open and shut the door. Sager was sitting in a chair and Myra was sitting in a chair near the corner of the table. I said "Oh! I did not know that you were there," and shut the door; I did not see anything improper, with the exception of Myra taking prisoner Sager to my bed-room without my permission. I am not aware that Dr. Brigham examined Myra in the library, before she went to



Swanton. I know that they were both there alone. I made some remonstrance to my husband about it, he said it was all right and not my business. I know my husband used to send letters from the Sagers to Myra, and I used to read them myself if she showed them to me. I saw my husband on one occasion, when Myra was reading a letter from Sager, snatch it out of her hands, but I thought it was a joke. Myra used to go to the barn to milk the cow, feed the calf and my husband had to go to assist her, a short time before she went to Swanton.

Question.—Was not Mr. Montgomery and Myra in the habit of going to the barn together at times when they were not required to milk the cow and feed the calf?

Answer.—They sometimes went out together each with a pail of water.

Question.—Was not the coincidence of their both going to the barn at the same time, so marked, that your attention was called to it by an inmate of your house?

Answer.—A friend mentioned it to me once as a joke.

Question.—Did you not take it so serious, that you had once started out to the barn to see what they were doing?

Answer.—I started to call Myra to get tea. Mr. Montgomery was in the stable at the further end, and Myra leaning against the stable door, with a pail in her hands.

Question.—Do you swear, that you saw nothing in the intercourse of Mr. Montgomery with Myra, to excite your suspicions that they had had improper connections?

Answer.—No.

Question.—What explanation did Mr. Montgomery give you of the deception practised upon you, when he led you to believe that he had taken Myra for a visit to Pigeon Hill, when she was actually gone somewhere else?

Objected to by G. U. V. Buchanan, Esquire, and maintained by the Court.

Question.—Did Mr. Montgomery deceive you as to where he was taking Myra, when she started from your house to Swanton?

Objected to and maintained.

Myra used to occupy a bed-room over the kitchen usually and until after her return from Swanton.

Question.—Did you not frequently complain of the influence which Myra exerted over your husband, that he would do that for Myra, that he would not for you?

Answer.—I may have done so, but if I did, I never meant it in earnest; I never really thought so.

Question.—When Myra was sick last spring, did you not say to Mr. Montgomery that you thought she was in the family way and he denied that it could be so.

Answer.—No. I never said so, but I once had a suspicion which I communicated to Mr. Montgomery, and he said, "Oh, indeed!"

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When Myra left for Swanton, we might have been indebted to her between \$8 or \$10. She used her wages from time to time, except in the winter; when she left in June last, she made no demand for wages, neither did her father demand any of me.

W. W. Lynch, Esq., on the part of the prisoner, Peter Fuller, declines cross-examination.

RE-EXAMINED.

It was usual for Mr. Montgomery and myself to treat our servants kindly and to look after their interest. I had very kind feelings towards Myra, because she attended to me during my illness; we were in the habit of singing together.

Mr. Montgomery kept the wages account and so anything that I might have said about it was only my impression. Since the beginning of February last, we had no man servant or boy to do our chores, and since that date, Mr. Montgomery has done them. I saw nothing suspicious in Mr. Montgomery's conversation with Myra; he was always free and sociable to talk to everybody in the house; she was more or less in our company, as she assisted me to take care of a young child, and as we sang together, often sat in the same room; an additional reason for our being so intimate with the girl was, she was very respectably connected as I understood; we both were very grateful for her kindness during my sickness and we intended to make her a present.

Further deponent saith not.

[Signed,]

ELIZA M. MONTGOMERY.

Sworn to, &c., 25th September, 1872.

[Signed,]

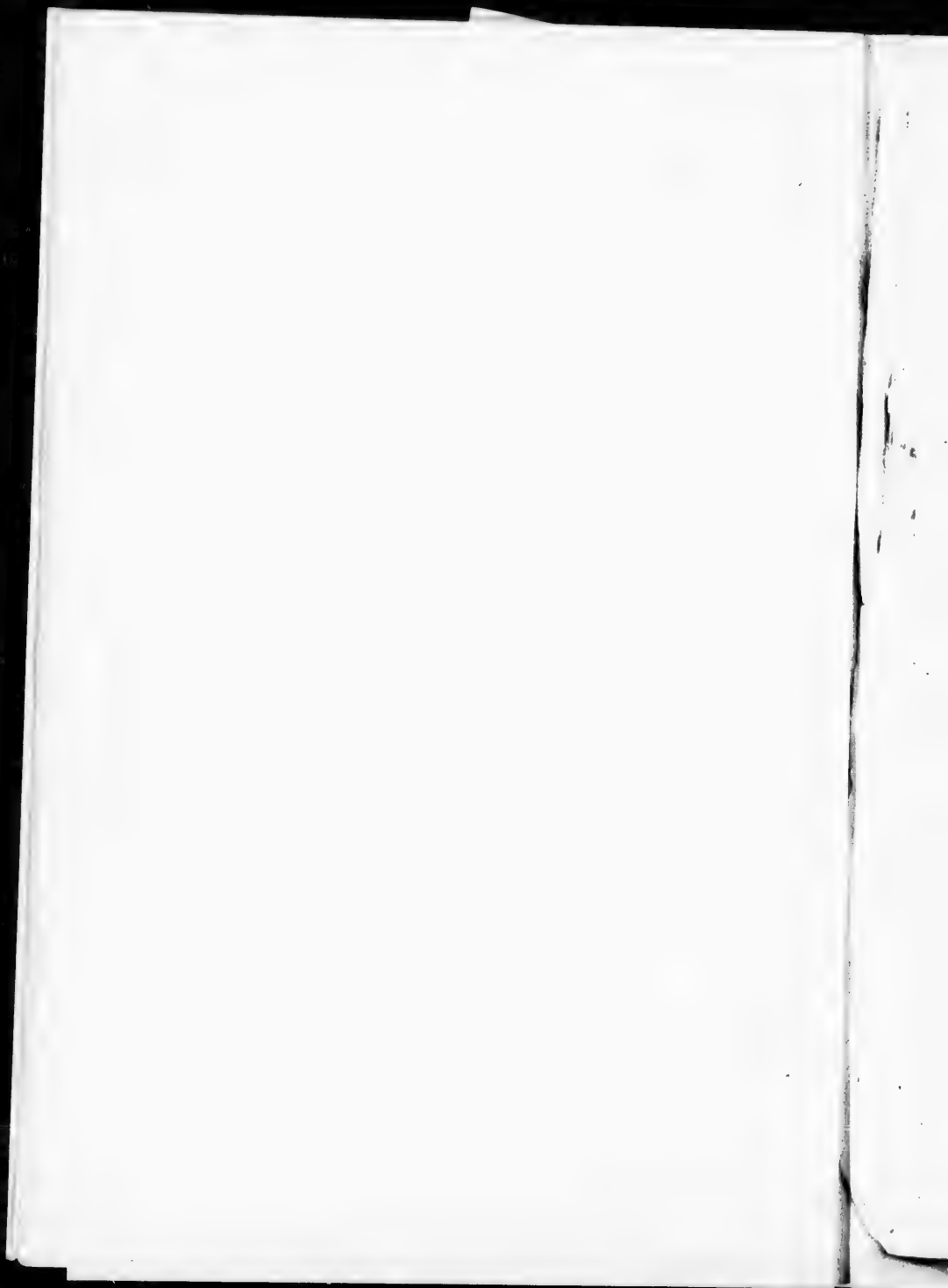
SAM W. FOSTER, Esq., District Magistrate.

Mrs. Evelyn C. Lawrence's Evidence.

Evelyn C. Lawrence, of Swanton, Vermont, being duly sworn, saith:

I know Myra Fuller and the Rev. H. Montgomery of Philipsburg. Myra Fuller was at my house in May last; she was sick there: Dr. Bourdon and Dr. Brigham both attended to her. Her sickness was caused by her confinement; she was delivered of a child at my house; Dr. Bourdon attended to her accouchement; she remained three or four days at my house after she was confined. Dr. Brigham came to see her three or four times before she was confined, and he requested her to go back to Philipsburg as soon as she was confined, and requested me to go with her. I went with her and took her to Mr. Montgomery's, she was very weak.

The child of which she was delivered, was of a premature birth. When we arrived at St. Armand Station, Myra spoke to a gentleman there of the name of Bourret; he got a conveyance and took us to Mr. Montgomery's. I think I arrived there on a Tuesday and left on a Saturday. The family were glad to see Myra come back. Mr. Montgomery took me out to ride once while I was there, I had conversations with him about Myra, and about her confinement, he also



spoke about who was the father of the child. He said he was the father of the child. I was paid partly by Dr. Brigham, Dr. Morrell and Dr. Bourdon, and the balance of \$5 remaining my due, Mr. Montgomery promised to pay me, saying at the same time I should be well paid. I could not tell you the conversation we had together when we were driving, and I cannot give you one connected form, because when we passed people, he would stop talking, commence again as we got by. I cannot tell all what he said. He asked me if Myra had had a hard time when she was confined, wanted to know how long she was sick, and if I knew the sex of the child. I told him I did not, he asked who buried it, he asked me what they had done with it, he told me it was his child.

I returned to the station by stage and have never seen Mr. Montgomery since. I have not seen Dr. Brigham since to speak with him. When I returned with Myra, the reason assigned why I was to return with was to remove all suspicions from the mind of Mrs. Montgomery; Dr. Brigham asked me to do that.

CROSS-EXAMINED.

I am a married woman and live with my husband, David L. Lawrence, at Swanton. I follow no other business than sewing.

Question.—Is it not a fact that men resort to your house for improper purposes?

Answer.—I don't intend to keep a bad house and I do not.

Question.—Is it not a fact that you have had connection with Dr. Bourdon.

Answer.—I never had. I don't know that Dr. Bourdon boasts that I am with child by him.

It is not a fact that married women or girls resort to my house to be confined or to have an abortion procured. I live near the depot in Swanton, and have lived in Swanton for two years. There was no young woman confined in my house, but married ladies have been to my house to be confined when they wanted. Myra Fuller is the only girl that has been confined in my house; married women have been brought to be confined in my house, hiring the house from my husband. I assisted at Mrs. Mitchell's confinement, I did so because she requested me. It is not a fact that my house was a common resort for women, married or single, to get rid of children. I cannot say what was charged to married women, who rented rooms in my house for their confinement, as that matter was left to my husband. I do not mean that we rent rooms purposely for women to be confined. I cannot say the date of the month when Myra came to my house. She came to my house through Dr. Bourdon, who asked me to take her to board, until she was through with her confinement. I hesitated, but finally took her; my husband assisted to make the bargain; he said the girl would probably be there some time; he said he knew nothing of the girl, but wanted her to stay there during her confinement. Dr. Bourdon is our family physician; my husband made a bargain with him for a room for Myra at the rate of \$10 a

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week ; Dr. Bourdon requested me to go to his office for Myra and I took her to my house. Myra did not pay me, but said Mr. Montgomery was to pay Dr. Brigham, Dr. Brigham to pay Dr. Morrell, Morrell to pay Bourdon and Bourdon was to pay me. I noticed that Myra was in the family way, she remained three weeks and three days in my house ; she was confined on a Wednesday morning and went away the next Tuesday ; Dr. Bourdon attended her. I can't say when Dr. Bourdon came first, while Myra was at my house, I think it was a week after. Dr. Bourdon came to see Myra on her own account when I called for him, and the first time he came for her, he came on Monday noon, and she was sick until Wednesday, until she was delivered of a child ; she remained with me two or three days after she was delivered of a child. Dr. Bourdon came Monday noon, stayed Monday night, Tuesday night, and on Wednesday morning the child was born. Myra said she thought she was passed five months with child. Dr. Bourdon only saw her and attended upon her the three days that I am aware. I saw myself that she would be delivered of a child ; she was not sick in bed. Dr. Brigham came three or four times. I had seen him before and he had conversations with Myra in my presence, he went into the room alone and talked with her ; but I heard the conversation ; he said, " Mrs. Montgomery is very much troubled, to know where you are," and " the quicker you go back the better it will be."

Mr. Montgomery took me to ride on the Friday before I went home I think ; we drove about two hours, he first drove to the lake. I thought he would go down to Mr. Strite's, but he did not.

I asked him if Myra was in the habit of going out, he said " No." I asked him if he knew who was the father of the child, he said he was, Myra also told me he was the father of the child. I attended to Myra during three weeks and three days when she was in my house. Dr. Bourdon did not give her any medicine, except some to quiet her. Myra fell from a swing and I think that was the reason of her being delivered of a child before time. I don't know of anything else.

RE-EXAMINED.

Myra was taken sick on Monday noon and was delivered of a child Wednesday morning, at five o'clock, and started for home on the next Tuesday, I think.

I told Mr. Montgomery that I was an old friend of Myra's, that when I had met her at the depot, I told her something about a woman of the name of Barney, telling Mrs. Montgomery, that I had said to Myra, if you are not well come home with me, I know a woman there that would doctor you up. I also told her Myra came home with me and Mrs. Barney doctored her, and Mrs. Montgomery asked me if Myra was all right now ; I replied Mrs. Barney gave her herbs and that she was all right now ; that is all I told her ; she asked me questions and I answered them. The story I told Mrs. Montgomery was false. Dr. Brigham requested me to say that Mrs. Barney had doctored her. My maiden name is Cornell and I was



born at St. Albans's Bay, I lived there till I was married. I have been married eight years this November next and I lived at St. Albans' Bay a year perhaps, after I was married and then went to St. Albans and rented a house from Mr. Brainerd a year or so; then I went home sick to my father's house, afterwards I went to Alburgh to Mr. Philips, then I came to Swanton, I think it is two years ago. I don't know a man of the name of Seevey of Lowell, Massachusetts, and I don't know a man of Brown or Glover of the same place.

And further deponent saith not, &c.

(Signed,)

MRS. EVELYN C. LAWRENCE.

Sworn to, &c.

(Signed,)

SAM. W. FOSTER, District Magistrate.

Mrs. Belinda Hutchinson's Evidence.

Belinda Hutchinson, of Philipsburg, in the said District, being duly sworn, doth depose and say: I know all the prisoners. It has been my custom to work at Mr. Montgomery's; Myra was at that time servant girl there. I worked at Mr. Montgomery's during their absence in Upper Canada in June or July, 1871. Mr. and Mrs. Sager came there and took dinner. Not long after dinner, Mrs. Sager went away to Mrs. Whitwell's, Sager remaining visiting Myra Fuller alone; they were in the front part of the house and garden; Sager went away some time during the evening. That was the only occasion on which I saw Sager and Myra alone.

In the month of April last, Myra Fuller told me she had taken cold and did not have her regular turns; I advised her that she had better see Dr. Brigham.

Myra told me that after she came back from Swanton, she was better; she told me that a Mrs. Lawrence had doctored her and given her Archangel. Before Myra went to Swanton, I suspected she was in the family way, from her look and appearance.

CROSS-EXAMINED.

When the Sagers visited Montgomery, they were received as friends of the family, they appeared to be on intimate terms. I recollect, that on the afternoon Mr. and Mrs. Sager were visiting at Montgomery's, that they and Myra went to Mr. Carr's.

And further deponent saith not that she cannot sign her name.

Sworn to, &c.

(Signed,)

SAM. W. FOSTER, District Magistrate.

Mr. Roswell Yates' Evidence.

Roswell Yates, of St. Armand West, in said District, being duly sworn, doth depose and say: I know J. M. Sager; I have seen Myra Fuller; I know the Reverend Hugh Montgomery; I was present with Mr. Montgomery when he hired Myra Fuller. I understood that the agreement was that she should go down on a trial and if liked to stay. If Mrs. Sager wanted Myra, she was to come back when required, and I understood Mr. Montgomery agreed to that ar-

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range ment. The bargain appeared to be mostly made between Mrs. Sager and Mr. Montgomery.

CROSS-EXAMINED.

It might have been said that Myra was to give a fortnight's notice before leaving Mr. Montgomery, but I do not recollect.

And further deponent saith not, &c.,

[Signed,]

ROSWELL YATES.

Sworn to, &c.

(Signed,)

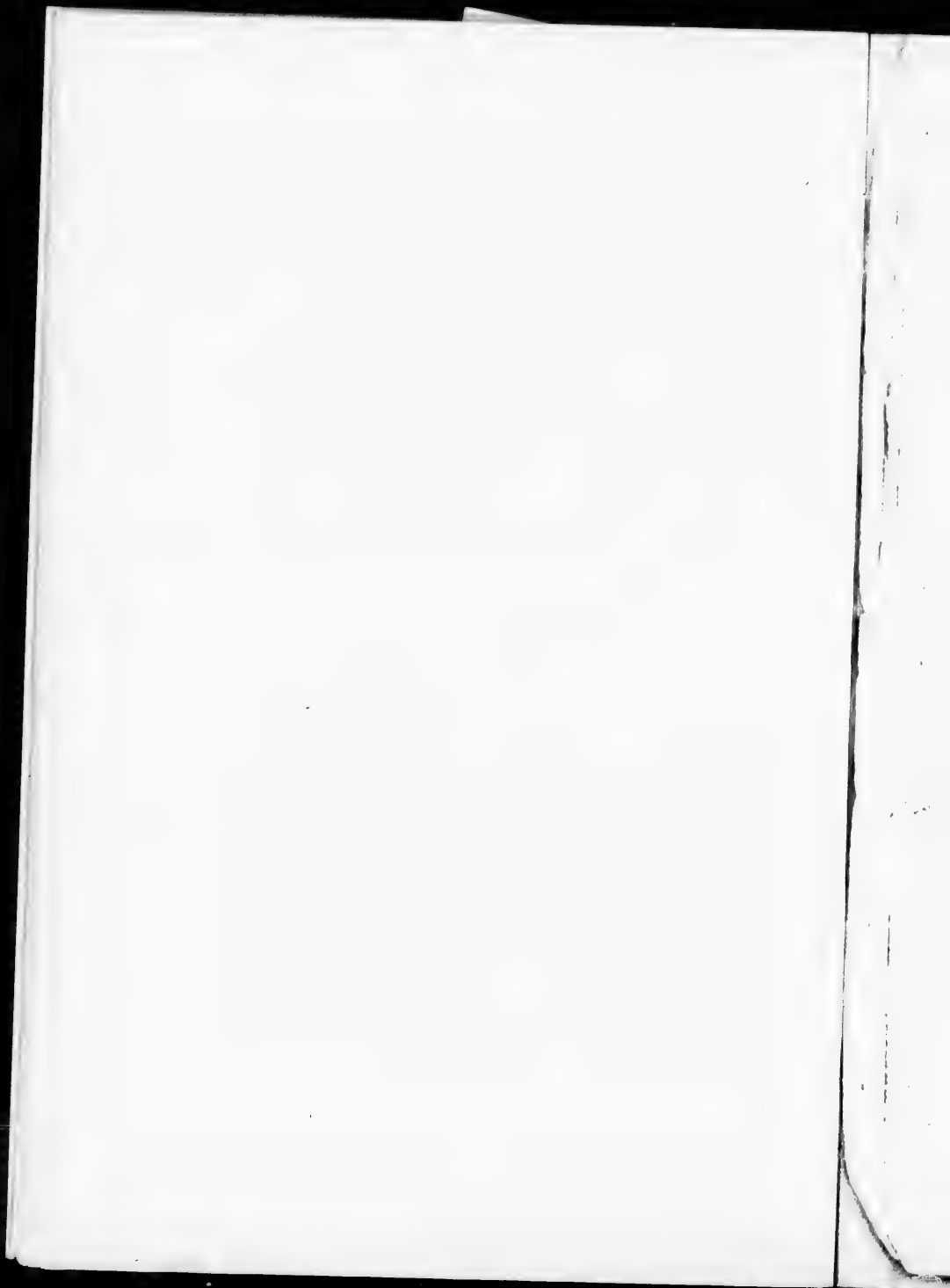
SAM, W. FOSTER, District Magistrate.

Mr. D. T. R. Nye's Evidence.

The deposition of D. T. R. Nye, of Philipsburg, being duly sworn, doth depose and say : I reside at Philipsburgh. I know the Reverend Hugh Montgomery. During the last winter or spring at Philipsburg, where I am a trader, I sold medicines to Mr. Montgomery at different times. From the first of January to this time. I do not know if I sold him any medicine during the month of December last ; in the later part of December I sold him a box of pills ; I might have sold him more than one ; he has been in the habit of buying pills from me at various times. I sold him one box of Clark's pills about the 27th of December last. They are not the pills as advertised Job Moses' pills, they are Sir James' Clarke's pills for female irregularities. That is the same kind of bottle, now produced, that I have sold to Mr. Montgomery ; he told me he wanted these pills for the servant girl, that she was not regular in her monthly courses and that these pills had been recommended.

CROSS-EXAMINED.

Mr. Montgomery bought pills several times from me, he bought Herriek's pills, I am not sure of Colby's ; he has bought other pills at several times that would serve the same purpose as Clark's. Mr. Montgomery asked me what would be the best for female irregularity and I recommended Clark's pills. I have sold Clark's pills for twenty years to any person who asked for them. I am a druggist, and would recommend those pills for the purpose they are recommended, as appears on the bottle, viz : female irregularities. I am not aware that those pills would procure abortion on a pregnant woman, from any personal knowledge. If I knew they had such an effect, I would not sell any. I know of no case within my memory, where I have sold these pills that an abortion was procured ; those pills when sold out of the shop, have a thick paper wrapped round the bottle with a stamp on the top and that is the way they are put on the shelves ; each bottle is in a wrapper when I buy them and in that same wrapper I sell them. The bottle which I sold to Mr. Montgomery was in the wrapper in which I bought it ; this wrapper is perfectly square up to the top and would look like a box when in that wrapper ; a person who did not know anything about it, would not discover it is a bottle until the wrapper is taken off. Mr. Montgomery, within a few days



past, asked me what was the names of the pills I sold him on the occasion in question.

RE-EXAMINED.

I can't say if there is a label on the wrapper. I am not positive if there is such a label or not. The name was stamped on the top of the box. On being shewn a package, I say that the package I sold to Mr. Montgomery was similar to the one now produced: when I gave it to Mr. Montgomery, I tore off the top myself to see that it was the right kind and then gave it to him.

Further deponent saith not.

[Signed,]

D. T. R. NYE.

Sworn to, &c., 2nd October, 1872.

[Signed,]

SAM W. FOSTER, District Magistrate.

Dr. Brigham, the next witness, being called three times and makes default. A bench warrant is ordered to be issue on the motion of James O'Halloran, Esquire, to produce the body of Dr. Brigham. Afterwards appearing, his evidence was taken as follows:

Dr. J. S. Brigham's Evidence.

J. S. Brigham, of Philipsburg, being duly sworn doth depose and say: I am a Physician and Surgeon, and reside at Philipsburg; I know prisoner Myra Fuller and the Reverend Hugh Montgomery. The first time I saw Myra Fuller, was when I attended Mrs. Montgomery for small-pox. Mr. Montgomery told me that Myra had not come round regular and he also said I have been telling Myra that "I thought she had been having a clandestine marriage." I did not administer any medicine or give her any. Previous to this, Mr. Montgomery came to my house and said that Mrs. Montgomery had sent him for some medicine for Myra, because she had not had her monthly terms. I asked him what was the matter, and he said she had taken cold; I told him she had better take some tincture of gum guaco. I did not have it and told him I thought he could get it from Mr. Nye. He came back to me within a few days, saying that Mr. Nye had none. I told him I could send to St. Albans or Swanton and procure some, which I did. I gave it to him with directions, that was before I ever saw Myra. The second time I saw her, was in Mr. Montgomery's library, when she was in there with me. I was in the house on another occasion, and Mr. Montgomery, in the presence of his wife, asked me to see Myra in the library; I did see her there. Mrs. Montgomery did not object to my being with her in the library. We sat down, and on asking her how she felt, she said she did not feel very well. I did not ascertain what was the matter with her. The next time I saw her was in my surgery.

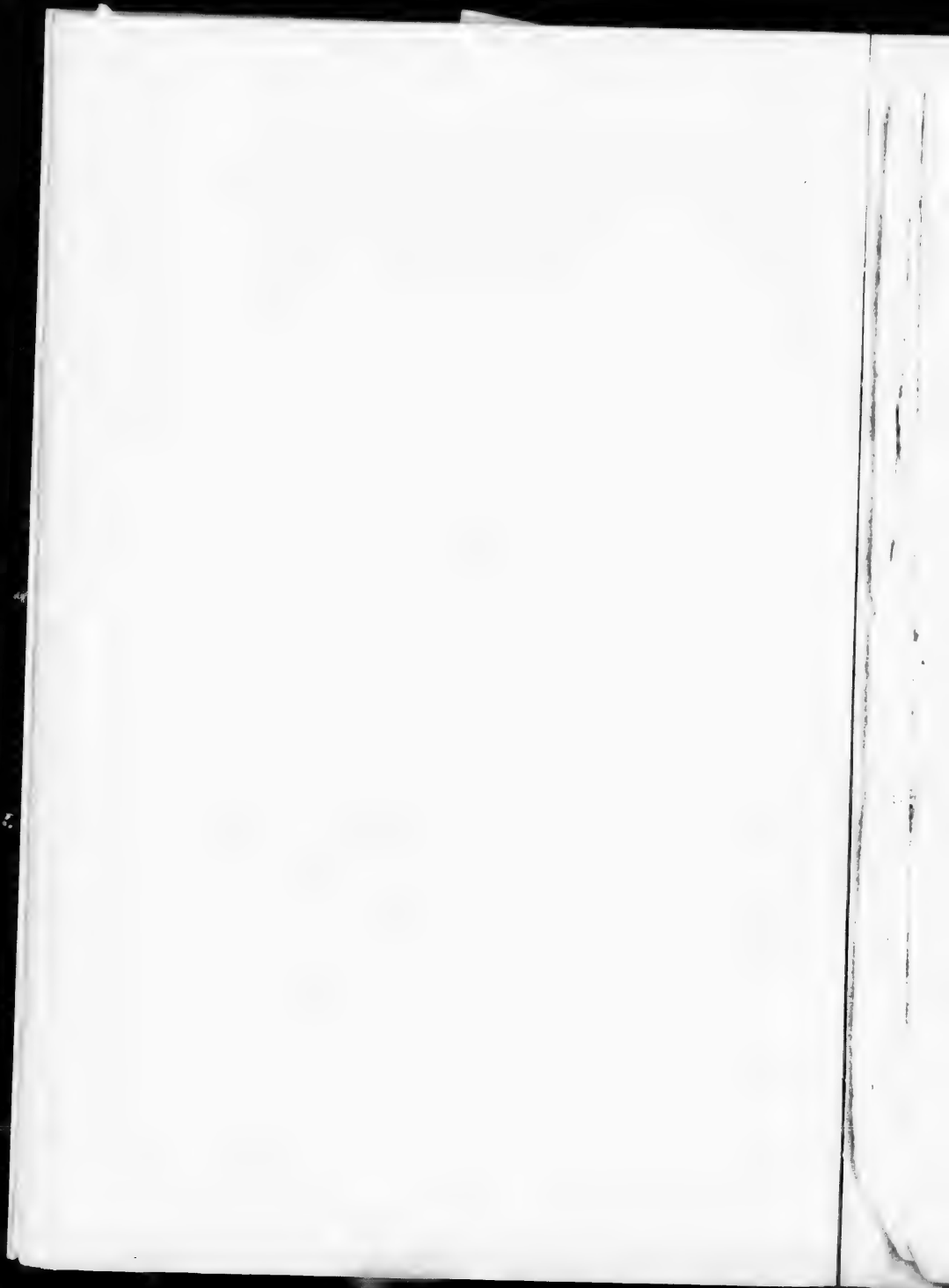
I was coming up the street and I met Mrs. Hutchinson and she wanted to know why I did not give Myra some medicine; because she was bad. I told her it was the same distance from Mr. Montgomery's to my surgery, as it was from my surgery to Mr. Montgomery's

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and if she wanted some medicine, she might come to my office. Myra came, and I requested to see her breast; she partly pulled out her right breast. I think and I told I thought she was in the family way; she said she thought she was. I did not give her any medicine, and told I could not give her any, at the same time saying to her, perhaps Mrs. Montgomery would think I would not give you any, you had better take this, show it to Mr. Montgomery and send it back to me in the morning, handing her a little cough medicine. Mr. Montgomery brought back the medicine that I had given her in a day or two, and I did not have any conversation with Montgomery about Myra being in the family way that I recollect. When Mr. Montgomery brought this medicine back to me, he told me that Myra wanted to go away and wanted to know if I knew a place where she could go and be quiet. I told her that I did not, that I was going to Swanton and that I would see about it in a day or so. On my way to Alburgh, I stopped at Swanton, and asked a man if he knew a quiet place where he could put somebody to board. This man was Dr. Morrell. He said he did not, but that he would see and let me know, when I came back. On my return he told me that a woman could be sent there on such a day, to board for \$10 a week. He did not tell me the names of the persons who would receive her. After she had been there a week, I ascertained the place where she boarded. I did not arrange with Dr. Morrell to have her sent, did not give him any description of her. I did not know if she would go. Dr. Morrell said that if she came, she must come on such a day and that somebody would be there to receive her. On my return home, I communicated this to Mr. Montgomery. I had no communication about it with Myra. I did not see her for two weeks after the time she was at the surgery.

On returning from Alburgh, I stayed at Swanton, when Dr. Morrell told me, that Mrs. Lawrence had left word with him, that there was a woman at her house that wanted to see me. I told him that if he would take me there, I would go and he did so. I saw Myra and found her at Mrs. Lawrence's. I again called there about a week after. I called there for a letter. When I first called, Mr. Montgomery sent word by me to say that Mr. Sager had been down there and that Mrs. Montgomery was very well and wanted Myra to come back as soon as possible and to write Mr. Sager a letter. Mr. Montgomery told me to have Myra write a letter to Sager; and I am not positive that he did not say that it was to quiet them, and I was to call and take the letter on my return. About a week afterwards I called there and got the letter, the letter I suppose was sealed but I did not take notice. I brought that letter to Mr. Montgomery and told him to mail it himself, that I should not pay the postage. I am not sure but that I told Mr. Montgomery to carry it himself to Sager. I am not sure that anything was said about postage. I never saw Myra but twice and Dr. Morrell took me over both times. The last time I saw her at Mrs. Lawrence's she was in bed, The first



time I saw her she was up and making a dress, so she said. I told her to come home as soon as she could. The last time I saw her when she was in bed, I think I told Myra, to come home as soon as she could. I stayed there only two minutes and I did not ask her what was the matter with her. I did speak to Mrs. Lawrence to come back with her the first time, to pacify the Sager's. She was to go to Sager's and I said you can tell a better story than I can. Previous to my knowing where Myra was I thought she was at Mrs. Barney's and that Mrs. Barney had given her herbs.

I understood from Mr. Montgomery that Mrs. Montgomery was very uneasy about Myra; he told me that Sager has been down to his place and kicked up a great row with his wife. I know Dr. Bourdon at Swanton: I don't know if he attended Myra while she was at Swanton, at least only from what he said. He told me so so about three weeks afterwards. Dr. Morrell is my second cousin. I received money from Mr. Montgomery to send to parties in Swanton on account of Myra; I received \$80 from him two different times. The first money was \$50 enclosed for Dr. Morrell; the other \$30 I sent to Dr. Bourdon. I received that money as I understand to pay Myra's expenses, &c. I am not positive how long Myra stayed at Swanton but I think about four weeks. Dr. Bourdon saw me at Swanton about three weeks afterwards and said he had a bill against Mr. Montgomery for attending Myra Fuller, I told him he had better send his bill to Mr. Montgomery. He did so and afterwards wrote me a letter saying that he had no answer; subsequently he called at my house at Philipsburg saying he was going to call on Montgomery and I dissuaded him from doing so. It was after this that the \$30 was sent to Dr. Bourdon. The first time I went there Mrs. Lawrence wanted some money. I borrowed \$2 and gave her and she was to pay the money back to Dr. Morrell.

CROSS-EXAMINED.

I won't swear that Myra did or did not ask me some place to go. When Dr. Bourdon talked to me about the money and his claim, I asked him if he knew Mr. Montgomery; he said he did not and that Mr. Montgomery had never employed him. When Mr. Montgomery gave me the money I have spoken of, he said it was to pay Myra's board and any purchase that she might make. When he gave the money he said, "I do this because I owe Myra wages, that she was kind to us during the small-pox and I don't know what we would have done without her." On her return she was to work out, the balance.

When I saw Mr. Montgomery, who came to me with Bourdon's letter, on its being read, he said to me, "What does this mean?" I told him it probably meant what it read. He replied "I don't know Dr. Bourdon. I never heard of the man, I don't know what it means and this is certainly a piece of impudence." The letter contained a request for money for medical services and he said he would not pay it. In two or three days afterwards I again saw Mr. Montgomery.

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He gave me some money, saying I owe you some money, the balance you can give me credit for ; the money he gave me was partly in cash and partly in a check ; I cannot state the exact amount, but after getting \$30 in American currency out of it, there was \$15 left to his credit. This was after Dr. Bourdon was at my place. Dr. Bourdon insisted upon some money by the Saturday night following, and I said I would try to get some money for him. Out of this money that I got from Mr. Montgomery I sent \$30 American currency to Dr. Bourdon. Mr. Montgomery did not ask me to pay the \$30. Mr. Montgomery protested against paying Dr. Bourdon's bill when he gave me this money, and said you can do as you like. At the same time he said if you throw mud at a man, it makes no difference if he is guilty or not, but some will stick. I have had some conversation with Mr. Montgomery and he positively denied that he ever had any connection with Myra or that he was the father of the child. Mr. and Mrs. Montgomery both expressed themselves as having the most kindly feelings towards Myra particularly on account of her services when they had the small-pox in the house.

Further deponent saith not.

(Signed)

JOSIAH S. BRIGHAM, M. D.

Sworn to October 30, 1872.

[Signed.]

SAM. W. FOSTER, District Magistrate.

Charles C. Cotton's Evidence.

Charles C. Cotton, of Nelsonville being duly sworn saith I am a physician and Surgeon. Being shown the package of pills marked "2" I declare that I have never seen them before. The advertisement reads that those pills are good for bringing on the monthly periods, and to produce abortion ; at all events married women are cautioned not to use them during pregnancy : they are advertised for sale with that caution.

CROSS-EXAMINED.

I know nothing of the pills except what I have seen in the advertisements. I never use them myself.

And further deponent saith not.

(Signed.)

C. C. COTTON,

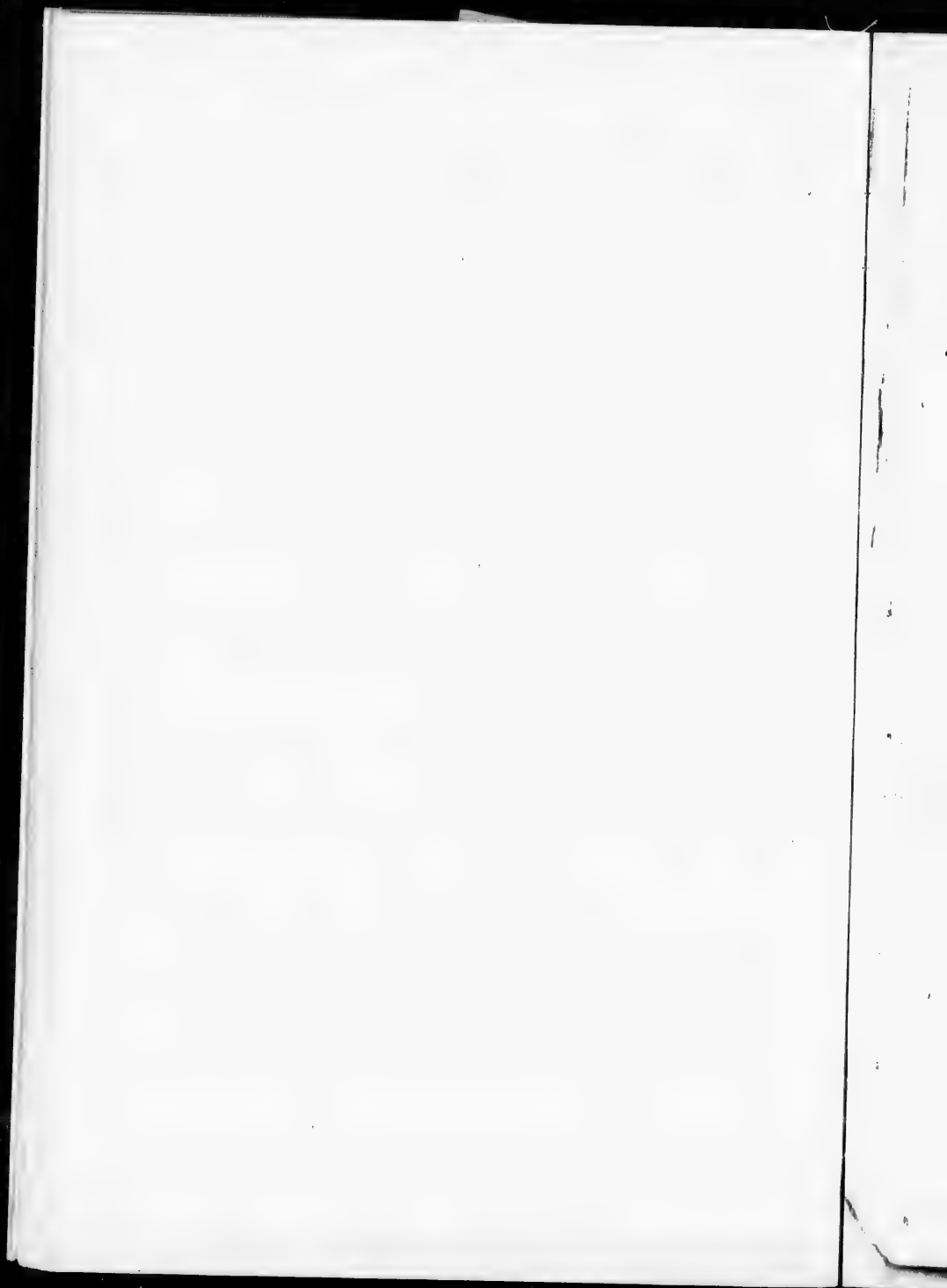
Sworn to October 30, 1872.

(Signed.)

SAM. W. FOSTER, District Magistrate.

Ralph Lasell's Evidence.

Ralph Lasell's being sworn says : I reside at St. Albans Bay Vt. I am not now a Justice of the Peace, but I have been. I have lived at St. Albans for many years. I know Mrs. Evelyn C. Lawrence formerly Miss. Cornell, since she was a child. When I was acquainted with her, it was at St. Albans Bay, but I am told she resides at Swanton. Her husband worked for me, the first year after they were married. She was a light kind of girl, so far as the truth was concerned it depended on circumstances. She was not called a very



truthful girl, not so much as girls in general. She might tell the truth, but where she had any interest, I would not believe her under oath; but she is susceptible of telling the truth. I don't know her business at Swanton. I don't know if she keeps a house of ill fame or not. I heard that she had given evidence here in Court.

CROSS EXAMINED.

I never knew that Mrs. Lawrence had sworn false in a Court of Justice. I never heard of her being a witness before this time. Further deponent saith not.

(Signed,)
Sweetsburg, 2 November, 1872.

RALPH LASELLS.

[Signed,]

SAM. W. FOSTER, District Magistrate.

Mr. William M. Stearns' Evidence.

William M. Stearns, being duly sworn saith: I reside at St. Albans. I am a mechanic and builder. I know Evelyn Lawrence, wife of David Lawrence, of Swanton. I knew her at Swanton; she was not on a par with other women for truth and veracity. I would not believe her under oath in a case wherein she is interested. A year ago last March, Mr. and Mrs. Lawrence came to live in a part of a house that I rented; she kept a house not agreeable to me. I have seen men come there at improper hours, but I did not know what they were doing. She used to have a servant girl and a little girl ten years of age, her own daughter. I don't know what those men came for; but they were frequently to her house at improper hours, when her husband was away. I found the house disagreeable from the noise and conversation of these men visitors. I heard nothing improper in the conversation.

CROSS-EXAMINED.

I never heard that Mrs. Lawrence had sworn falsely in a Court of Justice. I never heard anything about her being in a Court until this case.

And further deponent saith not.

(Signed,)
Sweetsburg, 7 November, 1872.

W. M. STEARNS.

[Signed,]

SAM. W. FOSTER, District Magistrate.

Mr. Warren W. Green's Evidence.

Warren W. Green being duly sworn saith: I reside at St. Albans. I know Mrs. Lawrence, wife of David Lawrence. Her reputation for truth and veracity is not considered good; she is not equal with other women. I should hate to believe her under oath. I would not. Her character for want of truth is well known with us. I don't know what sort of a house she keeps.

CROSS-EXAMINED.

I never heard that woman swear falsely. I never heard anybody

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say that they thought she would swear falsely. I never heard anybody question her truthfulness when sworn under oath.

And further deponent saith not.

(Signed,)

WILLIAM W. GREEN.

Sweetsburg, 7 November, 1872.

(Signed,)

SAM. W. FOSTER, District Magistrate.

Mr. Henry Ross's Evidence.

Henry Ross being duly sworn saith: I reside at Bedford. I knew Mrs. Lawrence years ago when she resided at St. Albans. Her character for veracity was not on a par with other women at that time. I would not have believed her under oath at that time. I have lived in the country three years. I know nothing against her.

CROSS-EXAMINED.

I never knew that Mrs. Lawrence had sworn falsely. I never heard that she could be induced to swear falsely. I would not swear that she could be induced to swear falsely.

And further deponent saith not.

(Signed,)

HENRY ROSS.

Sweetsburg, 4 November, 1872.

(Signed,)

SAM. W. FOSTER, District Magistrate.

THE CORRESPONDENCE.

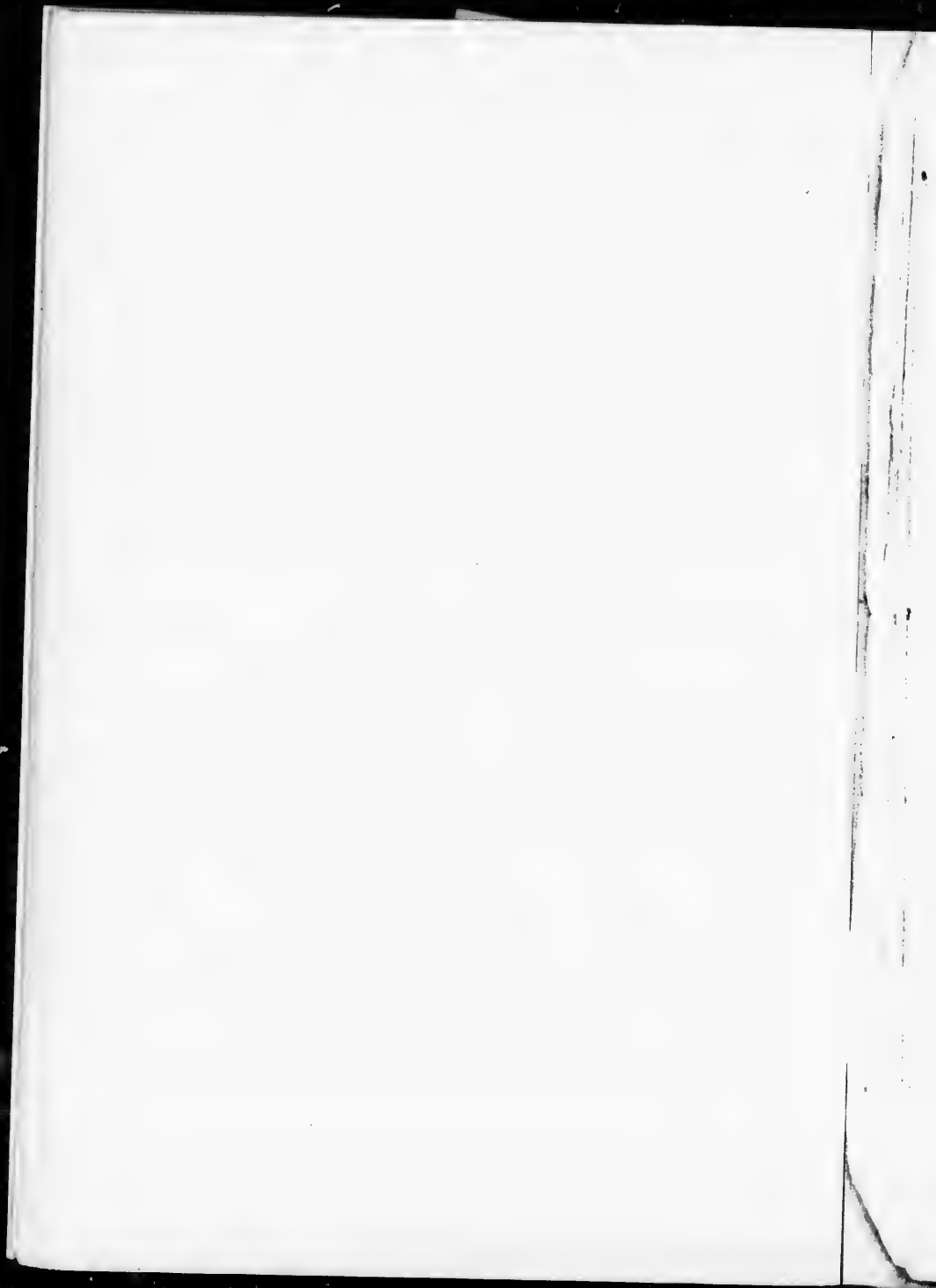
Copy of Letters.

No. 1.—*Reverend Hugh Montgomery to John M. Sager.*

THE RECTORY, Philipsburg, February 12, 1872.

My Dear Mr. Sager,—I was not up to the Hill yesterday, because of Mrs. Montgomery's sickness which, I am sorry to say, is *varioid* or modified *small pox*,—that which it now strangely appears they have had at Bedford all the time. The only difference being that in some cases it has been *variole* or *small pox* in the severest form. Myra, Tommy and myself have got vaccinated, whether it will take or not, we don't know yet. With Myra and myself, there is a chance of our former vaccination holding good, but as to poor dear little Tommy the prospect is dark as we knew not what the disease was in Mrs. Montgomery's case, until it was almost too late to try the experiment. Almost everybody is afraid to look near the house, which makes it still harder and unpleasant for the present, but the will of the Lord in this and in all other matters must be done. We had no service here yesterday and when it may be resumed again either here or at the Hill, God in his wisdom only knows, as the people will be afraid to come nigh me, lest I should give them this most infectious and or to be deprecated disease. Please let this be generally known.

Should I be spared, as soon as it may be prudent to go among the people again, I will resume the service in both churches at the same



time. I would advise every one who is in any degree exposed to get re-vaccinated, should they not have had the small pox, lest their former vaccination should have passed out of their system. With love to Mrs. Sager and sympathy to Mrs. Ford,

I remain, yours very faithfully,

(In haste)

(Signed,)

H. MONTGOMERY.

No. 2.—*Rev. H. Montgomery to John. M. Sager and wife.*

THE RECTORY, Philipsburg, February 20, 1872.

My Dear Friends.—Your kind, comforting and encouraging note of the 16th instant has been waiting a reply until after consultation with the Doctor, as to the propriety and safety of writing. On this point my own mind has long since been satisfied from a long experience of reading, observation and the opinions of eminent medical men, but still we thought it best to wait and hear Dr. Brigham's opinion also. The conclusion therefore, is that it would be imprudent and dangerous for the person afflicted, to write letters, as by doing so, they might very readily communicate the disease, but that it would be impossible for a second person out of the sick room to do such a thing. We therefore, with an unwavering sense of safety, write to say that Mrs. Montgomery has been highly favored, has passed through the ordeal admirably, is gaining her strength again fast. She now sits up for a considerable length of time each day, and will shortly be able to come down stairs.

Our vaccination wrought well. We all have had sore arms. Myra's very sore; and as yet thank Providence no sign of small-pox. The people here have not only been under the influence, of a spirit of proper, and in every sense, justifiable caution, but one of such dread and fear as seemed to rob many of them of their reason, if not of even the common feelings of humanity. All, however, have not been so, which has been a great comfort and encouragement. When they will want the church again opened for service I cannot say; but until they do it shall not be opened. It might now be done with safety at any time but they will have to ask it before they get it from me. I will also come to the hill whenever Mr. Mitchell and yourself deem it desirable, I should do so.

Mrs. Montgomery joins in many thanks for your great kindness which will never be forgotten and in much love to you both. Please remember us to any who may sympathize with us in our present but mercifully overruled affliction. May our heavenly Father graciously overrule it not only to our good, but for that of the Parish for which we most earnestly and constantly pray.

In haste I remain yours very affectionately.

[Signed.]

H. MONTGOMERY.

No. 3.—*Rev. H. Montgomery to John M. Sager and wife.*

THE RECTORY, Philipsburg, February 27th, 1872.

Mr. and Mrs. Sager, My very dear Friends,—Your kind note of

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24th instant duly received. I would have replied yesterday but wanted to see the Doctor, who had not been in for over a week: We told him how much the people were afraid of the letter we previously sent you. The ignorance and unreasonableness displayed in such a fear gave him great amusement. He said, or rather repeated what he had said before, that for a person having the small pox, when partially recovered to write a letter and through breathing on and handling the paper, they might infuse a sufficient *quantum* of the poison into such a letter leaving the sick-room, as to communicate the disease, but that for a second person to write a letter in a part of the house where the sick had not been and on material they had never seen, could no more convey the small pox or any other disease, than a letter written in an adjoining house in the same street or neighborhood. Therefore, as far as letters are concerned, we are all safe, save the uneasiness which ungenerous fears may give us. I am thankful to say, that Mrs. Montgomery has now been up for five days and for the past two, around the house as usual, even better than before sick. Myra and Tommy are quite well and we trust beyond all danger, as their vaccination and my own took well. Arms well and all in good spirits, with grateful hearts to our heavenly Father for all his undeserved mercies. We also gratefully thank our kind friends who sympathised with, while we forgive and pray for those who did not.

The doctors says we may have service here next Sunday, but whether they will ask for it then, I know not; and until they do, there will be none. Please accept our united love and respect, and believe me to remain,

Yours very affectionately,

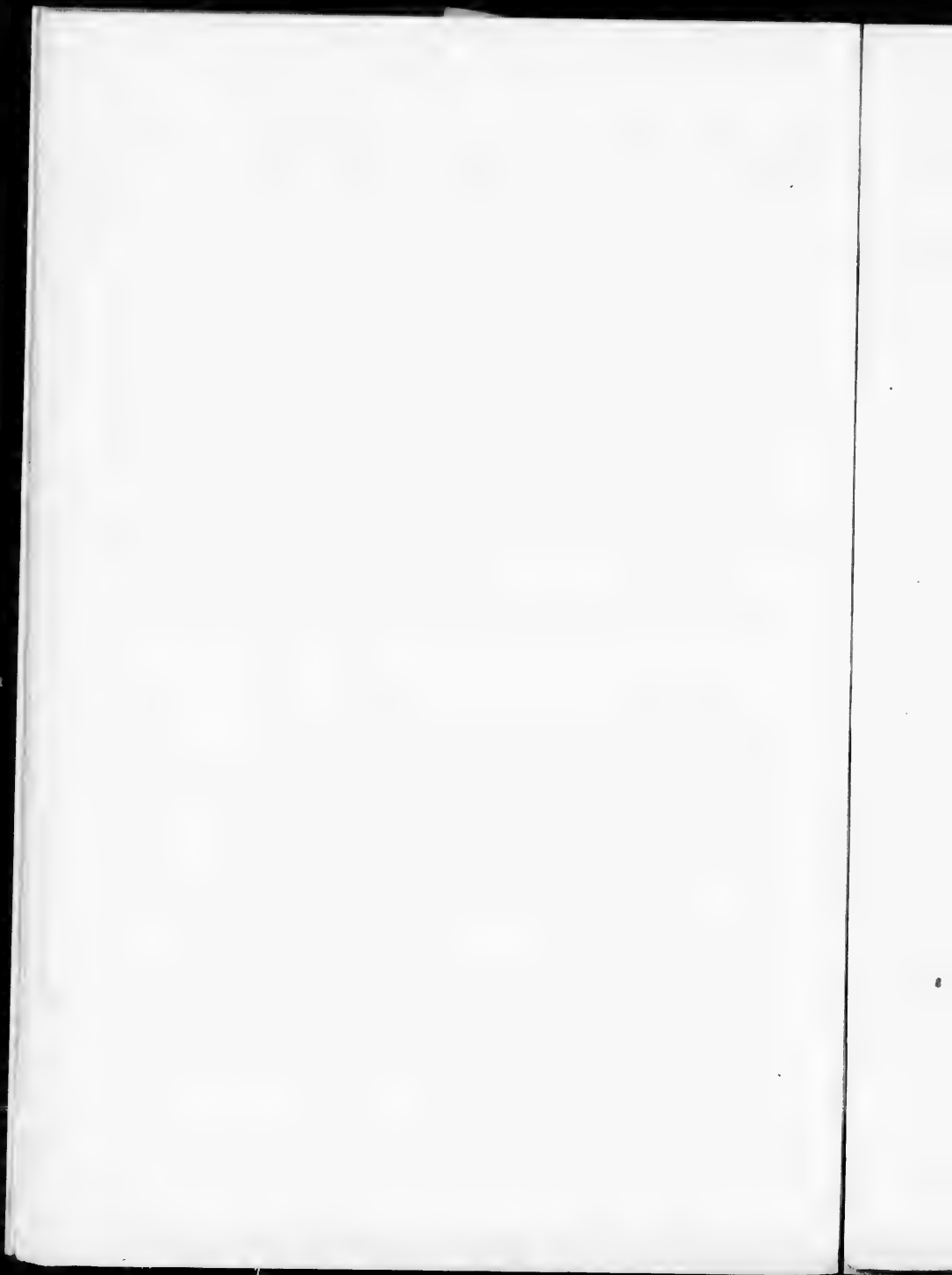
[Signed.]

H. MONTGOMERY.

No. 4.—*Rev. H. Montgomery to John M. Sager and Wife.*

THE RECTORY, Phillipsburg, March 6, 1872.

My Dear Mr. and Mrs. Sager,—I am happy to let you know we are all well and that last week our Doctors pronounced the small-pox extinct, and that we could no more communicate them, consequently that it was safe and proper that we should not only go into public ourselves, but that the public worship of God might be resumed with all safety. I was consequently called upon on Friday last to that effect, and in compliance with the request of the Wardens, resumed the service on Sunday last, but with an average congregation. I did not write you, as I thought it might inconvenience you to get word circulated and that it would be better to let them hear that the service had been resumed here, which could have a tendency to allay their fears. Now if you think it right that I should come up on Sunday next, please drop me a line to that effect by Friday's or Saturday's mail, and I will order my movements (D. V.) accordingly. Had the weather been fine, Myra, Tommy and myself had intended to call up and see you personally, but the severity of the storm forbids our looking out of doors, beyond what is absolutely necessary.



Mrs. Montgomery joins in much love, and believe me to remain yours faithfully and affectionately,

II. MONTGOMFRY.

No. 5.—*John M. Sager to Rev. H. Montgomery.*

PIGEON HILL, June 22nd, 1872.

Mr. Montgomery.—SIR.—I return this book to you and \$2,05 cash, as we shall not attend your church any more, so you may appoint another Warden. And now to *business*, as I am aware of your conduct to Myra, you can settle it with me for her benefit for the sum of fifteen hundred dollars, or I will follow it to the full extent of the law, as I understand the case fully, and in its worst and villianous form, and I will give you one week from date to comply with the above demand, as I am aware of your adding insult to injury, by a repetition of your almost inhuman actions, for I know it all and enough to send you up not to heaven, but to the penitentiary.

So look sharp and come to time, for the way of the transgressor is hard.

(Signed,)

JOHN M. SAGER.

No. 6.—*Rev. H. Montgomery to Myra Fuller.*

MONDAY NOON, June 24, 1872.

Myra,—The circumstances of your having been an inmate of our family so long and professing such friendship for and attachment to Mrs. Montgomery, dear little Tommy who loves you, and myself, make it my bounden duty to apprise you of the great danger of the utter ruin of character which you are now in. Yesterday I received, with the church wardens' book, a note signed by Mr. Sager, but in Mrs. Sager's hand-writing, which makes her a party either in a nefarious plot or the unsuspecting dupe and victim of a gross imposition. It will be preserved, however in proof, if need be of either one or the other. The note referred to, makes the very modest demand of fifteen hundred dollars (\$1,500) in your interest. Would not the plural form of the pronoun have been more appropriate? That you are a party to this, I cannot believe, nor will I, unless reluctantly forced to do so. Still the hasty manner of your leaving and the removal of your effects in my absence, render it somewhat suspicious. If, however, you are innocent, as I would fondly hope, and that the whole is nothing more than the mere ebullition of a frenzied jealous mind over which you have no control, with the sensibly felt need of a little money, either to travel or to live on, on the part of the applicant, then I shall expect to hear from you to what effect. If, however, I am constrained most reluctantly to place you with those the character and extent of whose pretended friendship we now know, let me assure you both you and them, that no sustainable action can be brought against me for anything I have either said or done in relation to you, and that I am fully prepared to defend my character and cause, in ways

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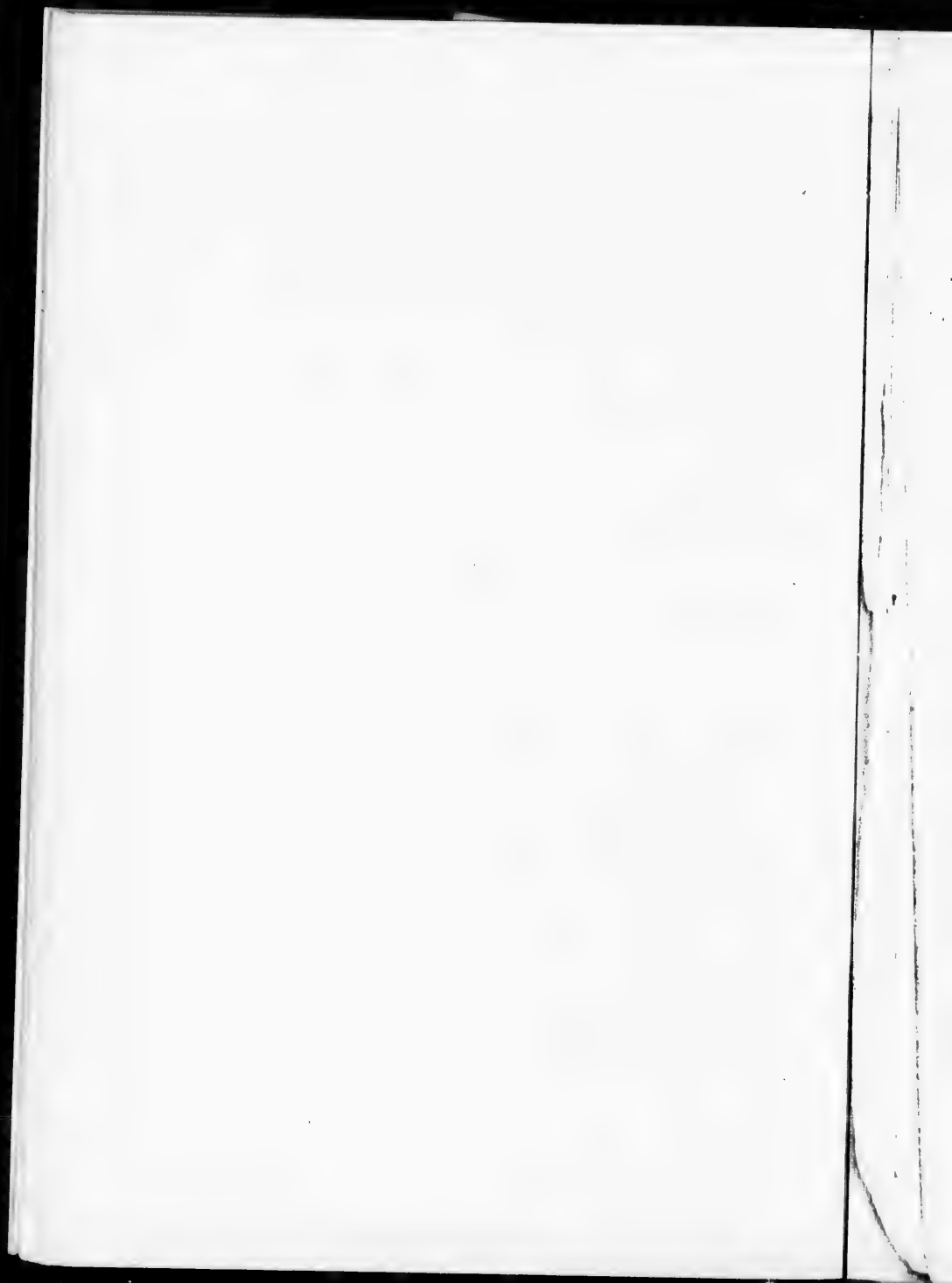
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and by the aid of those who will rush to my assistance, of which you may at present have little conception, and that a five cent piece, much less \$1,500 you will never get for the deplorable loss of character, and for which no amount of money, however honestly or *fraudulently* obtained, can ever compensate. Let me at the same time point out to you what you can very easily do.

1st.—With the aid of your supposed friends, you can place yourself before the bar of justice and public scorn, in the hands of a lawyer who will hold up your character and conduct from girlhood, up as far as we can know to the derision and contempt of secular courts and of all right-minded persons, and that for nothing but shame, in the end and that to see you in such a position from the bottom of my heart I would pity you.

2nd.—You and your would-be friends can cause an awful scandal, not merely in the Church of England, but on all sects and religion in general, the guilt and consequences of which must rest on yourself and your advisers to all eternity.

3rd.—Mr. Sager should remember the old adage "that those who live in glass houses should be careful never to throw stones." That there will have to be a thorough investigation of his conduct towards you, not only during the time you lived in his house, but also during the whole of your residence here, especially his visits in June and July of last year, when we were absent at Synod and at Annapolis. Now, let me assure you, we can obtain more proof of them than perhaps either of you are aware, of the occurrences of those occasions, which, in hands of eminent lawyers, will make his very name abhorred by all right-minded men, both in the Courts of America and England, for to the highest courts, if necessary, it shall be carried, while the plaintiff in the case has a dollar to spend for that purpose. And for such costs he will at the very outset have to give security. Now as to Mr. Sager's ignorant bravado of pushing matters to the utmost extent of the law, let me inform him that in such a matter, he has no authority whatever, that as a minor your father is your natural and proper guardian, who, if any offence is committed against your person or property must undertake it for you. And that if legal proceedings are instituted, more than one suit will most likely be the result, and that from the second defendant you may possibly get something, if when debts are paid, there be anything left. As to the time of commencing with me, I ask no favor, let it be at once, and not wait a week as delays may be dangerous. The simple fact is you cannot injure me or my ministry at all. I have already resigned the parish and am only waiting the appointment of my successor, to resign the active work of the ministry. For your own sake, however, and God knows I wish you well, I would advise you to be cautious and consider well what you are doing and its results. It is much easier to ruin character than to restore it. In fact a female's, if once publicly blasted, can never be restored. I would, therefore, advise before anything be especially done, that this note be shown to some respectable, learned lawyer, not to



some money-hungry pettifogger, and take his advice. It is truly said that Doctors and Lawyers should never be kept in the dark, for truth will at last be out and prevail. You hardly know what it is to fall into sifting hands of such men as those who plead in the higher Courts.

The note talks very flippantly of "going up to the penitentiary, &c." Now let its authors know, that willful perjury is one of the crimes for which its doors are opened and act accordingly, while for still more capital offences against the person, the gallows is sometimes deplorably erected, of which there are many sad examples on record.

If, however, you wish to live quietly, peaceably, happily and respectably, let the whole matter drop and I will forgive the past and the public attention, which has already been drawn towards it, by the manner of returning the book, will soon pass by as no particulars are as yet known.

Hoping to hear from you soon, believe me to remain your truly forgiving faithful friend.

(Signed,)

H. MONTGOMERY.

Miss M. G. Fuller.—P. S.—Had you not better return at once, to a respectable, comfortable, permanent home, rather than to be ultimately cast penniless and without character in the world?

[Signed,]

H. MONTGOMERY.

No. 7.—Myra Fuller to Rev. H. Montgomery.

PIGEON HILL, June 28th, 1872.

Mr. Montgomery, —SIR,—You advised me to go and see a good lawyer, and for that reason I delayed writing. I have been to Sweetsburg, and consulted one without any name in the case, he told me it was a thing that would be brought to justice, that you were not qualified to administer an oath and if you were, an oath under such circumstances, stand for nothing in the eyes of the law; now you know as well as I do what you have done, and the results of it there is no use of your trying to lay it on to Mr. Sager, for everything goes to the contrary, and speaking of Tommy, thanks to your help, I am likely to have one of my own in a few months. I have a very few friends that know it all, but they are safe, if you wish to hush it up with reasonable terms, I am mnm, so are they, but if you shew fight and wish it to be settled by the law, I am ready with plenty of friends, and they have the money and will follow it even to England. Remember for your own sake, as well as mine, I should be still, but if you wish it to be so, I fight to the last and if you will compare the line that you have with Mrs. Sager's letter, she wrote in the winter you will see some difference in the writing, as she never wrote it, your conduct in the church last Sunday, has set the folks to thinking and talking and they say that Mr. Sager is known to them as well as you and that cannot be a very little thing that would make him leave the church, that it is strange that just taking away the girl, should disturb you so, seeing that you had hired another and had a nurse to

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mind Mrs. Montgomery, they are very busy, but as yet, they know nothing, if you wish it to remain so all right please let me have an answer.

Yours truly,

(Signed,)

MYRA FULLER.

No. 8.—*Rev. H. Montgomery to Myra Fuller.*

SUNDAY MORNING, June 30th, 1872.

Myra,—The pleasure of a visit from your father, last evening was as unexpected as it was opportune.

Mrs. Montgomery simply stated, as he will tell you the fact of the exceedingly hurried, unanticipated and to say the least, very unnecessary and unsatisfactory manner in which, in my absence you left, but of course could assign no reason. That is entirely left for yourself to do, which I hope will be done in a spirit of fairness and candour, but that we are willing to leave solely to yourself. If you could induce your father to remain over until to-morrow and come down with him, I believe that in less than half an hour we can settle up our accounts in a proper and legal manner, and at least come to such an understanding as to be able to separate amicably and honorably, a thing which all right-minded persons will admit to be so highly desirable. Now, notwithstanding all that is past, believe us to remain at heart, worthy of being ranked amongst your truest and best friends.

[Signed,]

H. MONTGOMERY

No. 9.—*D. W. Bourdon to Rev. H. Montgomery.*

SWANTON, VT., July 2nd, 1872

Rev. Montgomery,—Your account remains unsettled. I want you should pay the balance due in my favour immediately. I think it will be cheaper for you to pay, and at the same time your mind would be more at rest if you had paid it before now.

Yours truly,

(Signed,)

D. W. BOURDON.

No. 10.—*D. W. Bourdon to Rev. H. Montgomery.*

SWANTON, VT., July 29th, 1872.

Rev. Montgomery,—DEAR SIR,—It will be an object to you to come down here and settle your account.

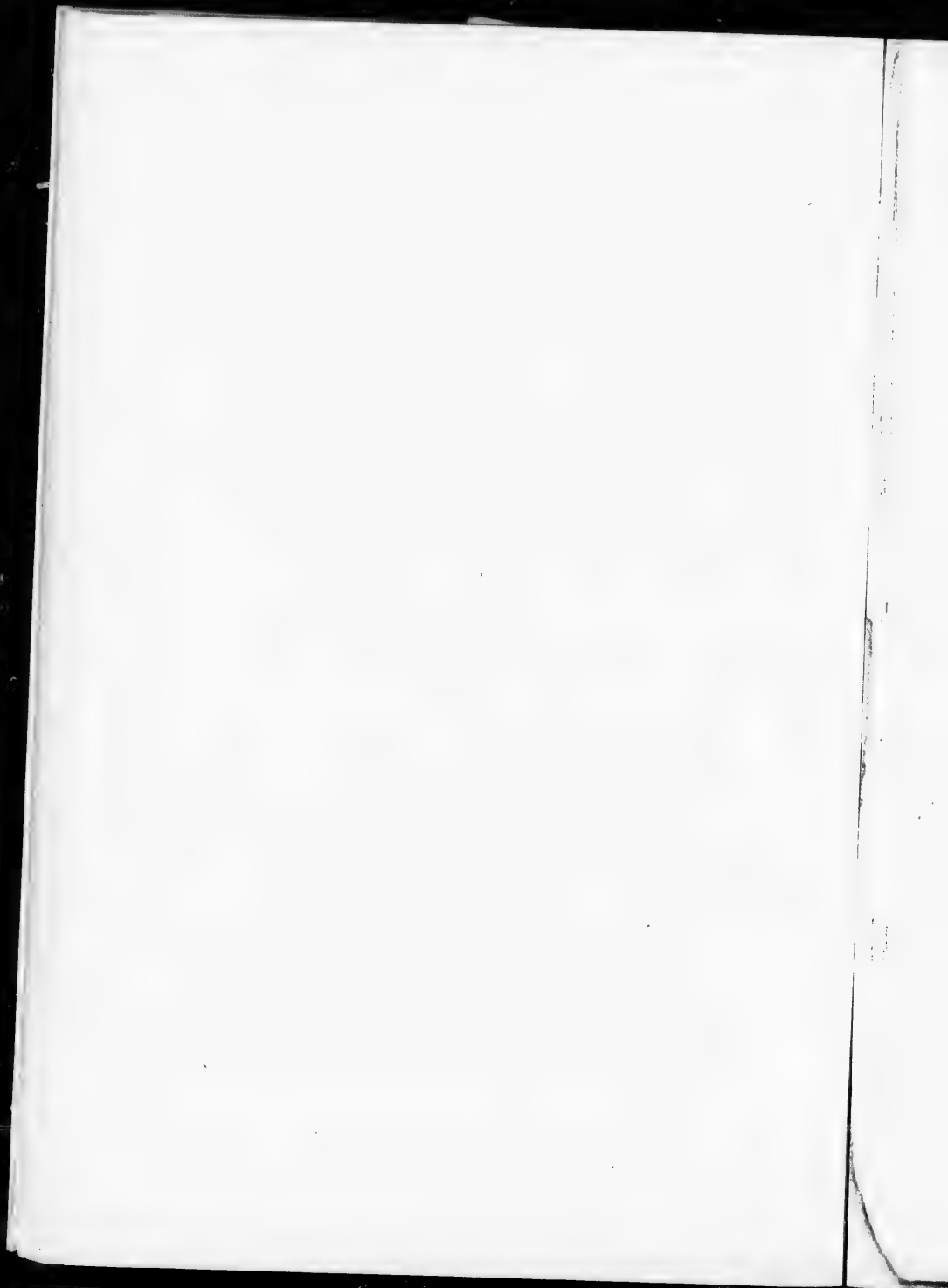
Yours respectfully,

[Signed,]

D. W. BOURDON.

No. 11.—*D. W. Bourdon to Rev. H. Montgomery.*

Rev. Montgomery,—DEAR SIR,—Your account remains unsettled for my services to Miss Elmira Fuller, your *chamber maid*. It seems that you feel somewhat annoyed at receiving so many letters from this direction, you can stop it if you wish, by paying your bills here, as agreed to Miss Fuller, she told me that if you did not come to terms, that she would expose you. I think that your (*adviser*) friend, who



seems to sympathise so much with you at present, must feel in the *wrong*, still he must *stick* to it, [strange he did not few weeks ago] he condemned you very bitterly, but for some pecuniary points of view, he better stick to old Montgomery as he says. I told you Montgomery that I would dig until you pay your bills here, and I have not changed my opinion. Your friend, Mrs. Lawrence with whom you took so much pleasure in riding around and had her visiting at your house with Miss Fuller for the purpose of deceiving your wife, is claiming an account against you for her fare and time spent at your house. Why don't you pay her honorably? Remember one thing Montgomery, it is better now than ever. You can call on me and settle your business. for if you don't, you will find it very annoying indeed, wherever you go, I will find you. I will not leave you at rest and probably you have some evidence of it. Hoping to hear from you,

I remain yours,

(Signed,)

D. W. BOURDON.

No. 12.—*D. W. Bourdon to Mrs. Montgomery.*

Mrs. Montgomery,—I have written to Mr. Montgomery, your husband, for a balance of account due me for my services to Miss Elmira Fuller, his chamber maid and he refuses to pay, for I do not hear a word from him. I left the account in Mr. O'Halloran's hands for collection and before we make any exposure of Mr. Montgomery's transactions, I wish you would use your influence towards him and advise him to settle his bills here. Mrs. Lawrence has an account also against him for her fare and time, while at your house, her visit was to deceive you and shew that Mrs. Lawrence was an old friend of Miss Fuller, and went back with her to visit for a while, the whole programme was a deceitful affair, and if you wish to know the particulars, you can call here and I will satisfy you of the whole proceedings.

Yours respectfully,

(Signed,)

D. W. BOURDON.

P. S.—I have written to Rev. Slack, your father, but I do not hear from him.

[Signed,]

D. W. B.

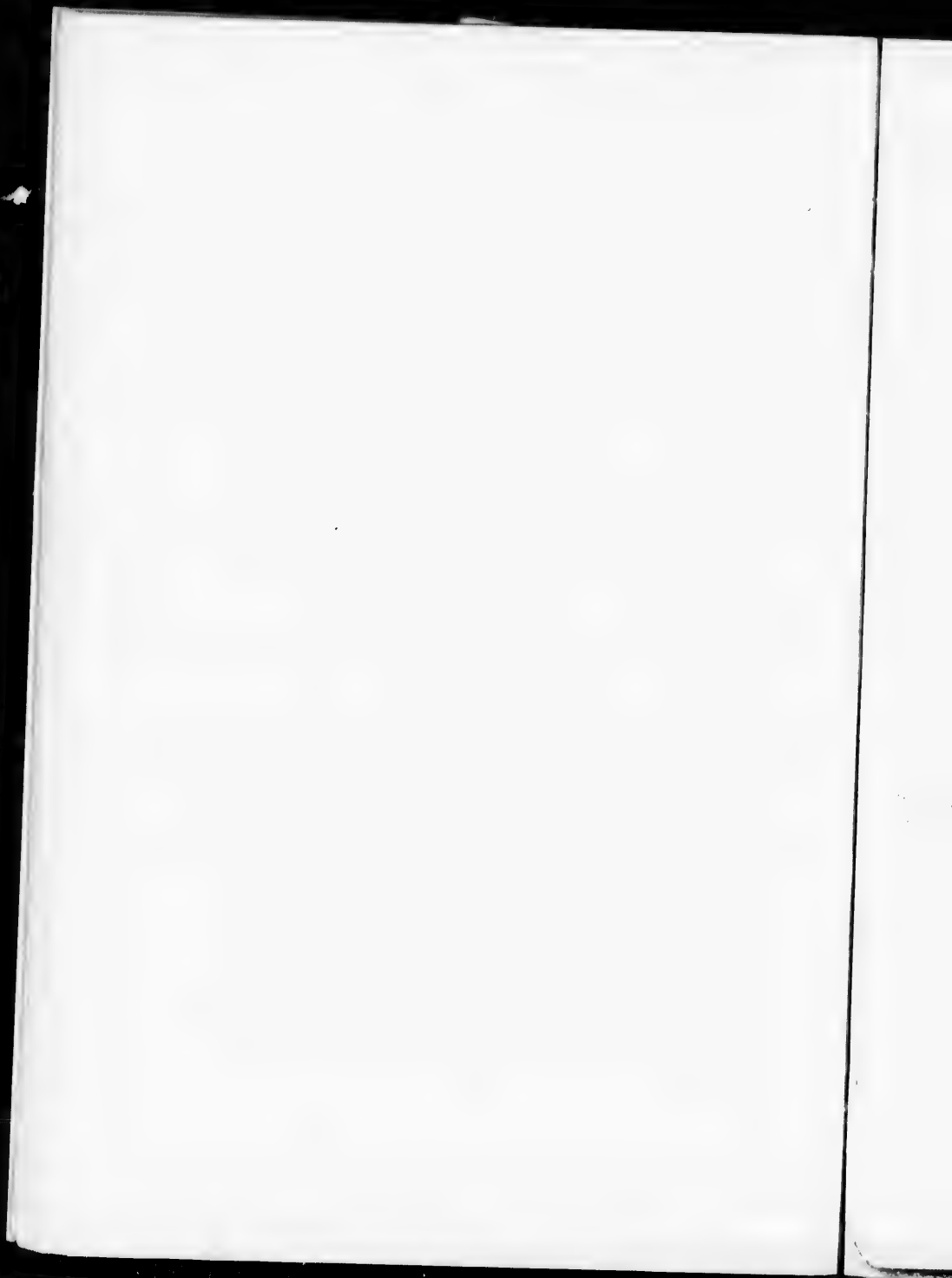
THE ARGUMENT.

The examination of witnesses both for the prosecution and defence being concluded, the case was argued at Sweetzburg, before the same tribunal on Tuesday, November 12, 1872.

G. C. V. BUCHANAN, Esq., opened the case on behalf of the private prosecution. He commenced by referring to the importance and extraordinary nature of this investigation, and the responsibility attaching to the judgment soon to be rendered by his Honor. The case was one involving the most serious consequences, and should be heard and adjudged simply upon its merits, without regard to the street rumors or the scandal that were unfortunately afloat.

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Continuing he said that the cries that had been raised against the Rev. Mr. Montgomery rendered his life unsafe. Nothing it seemed would satisfy his persecutors. It had long been our boast, that according to British precedent, a man was deemed innocent until proven guilty; but in this instance his client was accused of the most heinous crimes; when in a matter of fact, only the flimsiest evidence could be found to bring against him. Was it not strange that the letters of women who bore the character of common prostitutes, should be set up as conclusive evidence against him? Under the circumstances the conduct of Mr. Montgomery was not inconsistent with his innocence. As a Christian gentleman, he sought first to pacify his detractors. Failing in this, there was no other course open to him to vindicate his own character, but to assume the defensive and bring them to trial for their threatenings and calumnies. Hence this prosecution. It had been conclusively established that the prisoners Elmira Fuller, John M. Sager and Peter Fuller had conspired together to extort money from Mr. Montgomery, or else blast his reputation for life. They combined together to accuse him with being the father of an illegitimate child, unwisely thinking that he would rather submit to their extortion than have so foul a scandal made public. They discerned when too late, the fatal mistake they had made. The evidence against Mr. Montgomery rests upon the testimony of two women whose disreputable character had been shown up before this Court. The evidence against the prisoners was of an entirely different nature—and was drawn from parties of respectability and unimpeachable character. What child of ten years of age could believe the story trumped up by Eliza Lawrence—a woman surreptitiously brought into Court because she could be bribed to say anything? As a man of sense, years and discretion, was it even probable, even supposing him guilty, that Mr. Montgomery would avow himself, particularly to such a character, the father of Myra Fuller's child? The idea was too preposterous for serious entertainment. Much had been said about the contradictions between Mr. Montgomery and Dr. Brigham; but these contradictions were of trivial importance and easily explainable as the Court would readily see. But it was of the utmost consequence to remember, what the defence seemed entirely to ignore, that whether or not Mr. Montgomery had had connection with the girl *made no difference whatever, so far as this case, was concerned.* On this point Mr. Buchanan enlarged considerably and quoted from several authorities in support of his pretention that it was a criminal act to resort to illegal means to accomplish a legal purpose. Supposing Montgomery had seduced Myra Fuller, she had her recourse, but she had no right to combine and conspire with other parties, to demand recompense from her seducer. The learned Counsel proceeded to define, what conspiracy was, the difficulty of proving it by direct testimony but insisted that in this instance a case of strong circumstantial evidence had been made out against the prisoners which the Court could not in justice ignore.



J. O'HALLORAN, Esq, Q. C., next addressed the Court on behalf of the prisoners. He said the argument of his learned friend who had preceded him demonstrated the weakness of his pretensions. He had "gaped" for his case, and what he lacked in common sense, he had eeked out in law. It was not essential at all times to take the law in its strictest sense; but rather to rely upon general definitions and practical views. Socrates once said a man is an animal of legs without feathers.....

The definition given by Mr. Buchanan of conspiracy—of doing a lawful act by illegal means was not strictly correct. It was erroneous to presume that there could be no combination of persons to effect a lawful object. We have for example, in our midst, a society for the detection of horse thieves, made up of a number of persons who combine together—conspire if you will—to effect a lawful object. Would any one pretend that such an organization was illegal? There must be a distinction drawn between what is right and what is wrong—between what is true and what is false. A better definition of conspiracy than that quoted by my learned friend is found in Archibald 616, section 2.

Here we have the gist of a conspiracy—what law and reason teaches us to regard as such. For it is plain that the crime of conspiracy cannot be different from all other crimes. The intention, aims and object of the parties must be considered. The act which constitutes the crime is a criminal intent. Homicide itself under certain conditions is not necessarily criminal. The object of the prisoners in combining together in this case was not unlawful. Mr. Montgomery was accused of an immorality. If he had seduced the girl, as seemed so plain from the evidence, he was certainly guilty of a misdemeanor and therefore combining together to get damages was not unlawful. It was right the girl should have compensation for loss of reputation and health. So far nothing was illegal. The means made use of were not illegal. Was it illegal for Peter Fuller to bring Montgomery to an account for his conduct?

The law of the Court and the feelings of every father justified the step he had taken. It was not illegal for him either to seek a second interview with Montgomery. It was not illegal or even strange for John Sager, considering his intimate relations with the girl—to write to Montgomery or demand on her behalf a compensation of \$1,500. There was nothing criminal in writing as was proved by the 45th section of the 91st chapter of the Statutes of the Dominion. Then it was plain that the writing of letters was not punishable by law and prosecutors could not arrest him for it. What criminal act then, had Myra Fuller committed? The only thing brought against her was a letter in answer to one written by Montgomery. Allusion has been made to the immodesty of that letter. After the experience of the girl it was plain that immodesty was a thing of the past. Even after her return from Swanton Montgomery again sought her bed.

Mr. BUCHANAN—There is no such evidence on record.

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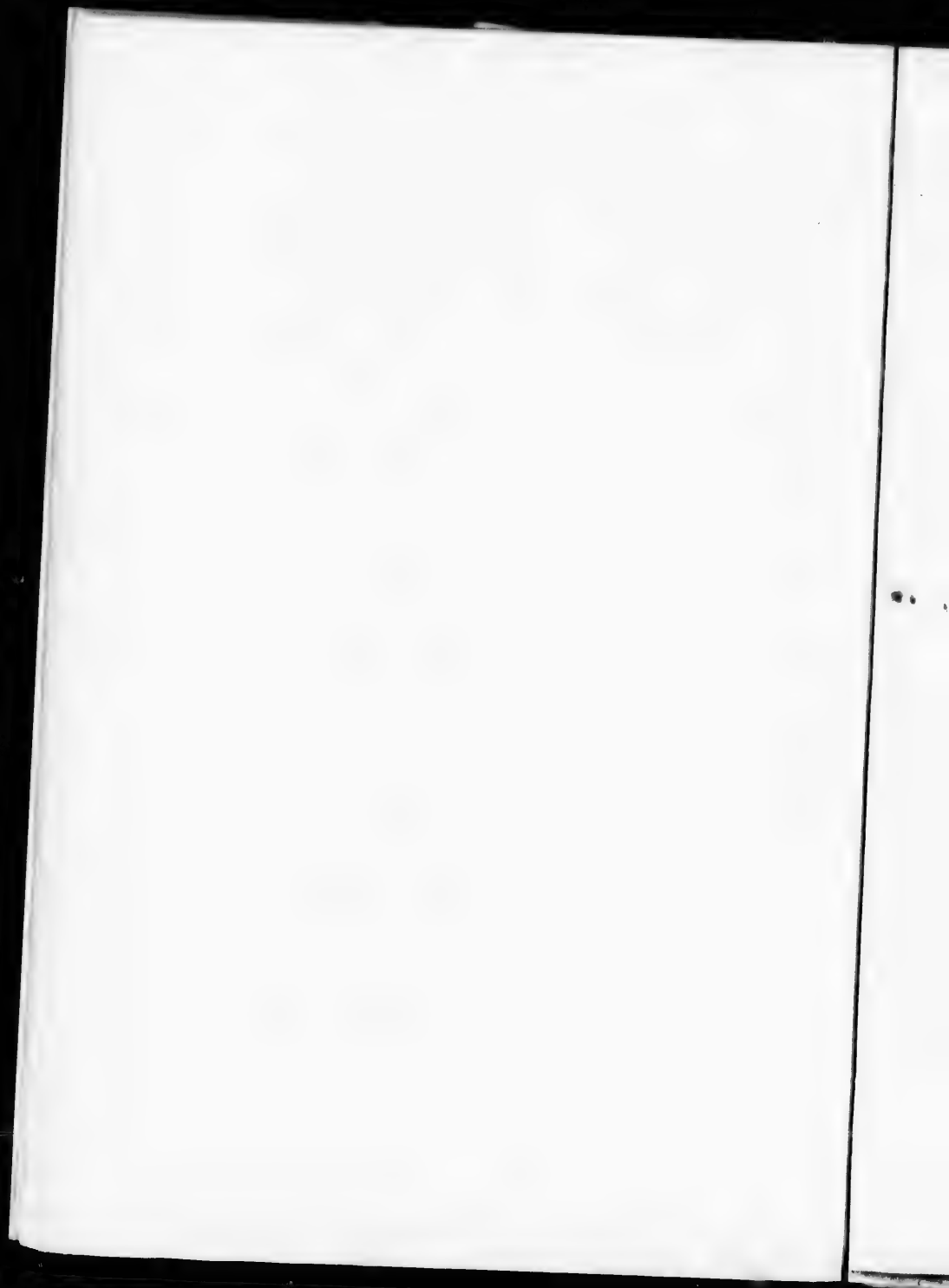
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THE COURT—Go on.

Mr. O'HALLORAN—Individually the prisoners had committed no crime. Had they conspired to do so? The prosecution said they had for the purpose of extorting money. Still no attempt had been made to prove that the parties had tried to concert a conspiracy. They had presented certain inferences that our common sense told us we must reject. The guilt or innocent of Montgomery, would, the prosecution said, make no difference. Certainly not if Montgomery was really innocent. Otherwise we must consider the acts of the three parties and see whether it was reasonable for them to make such accusation, and hence it becomes of the utmost importance to know if Montgomery is guilty or not. Conspiracy to be proved by an inference must be drawn from the nature of the acts committed, and the motives by which the parties were actuated. If A. B. and C. one after another, were to call on Judge Foster, and demand \$1,500, and in event of refusal accuse him of murder, it would be a plain case of conspiracy. But to apply the same test to Montgomery it was of importance to determine his guilt or innocence. If these three prisoners had put their heads together to write letters to get a large sum of money, there must have been a pre-understanding. Circumstances went to show that their conduct was not that of conspirators. Crime was never presumed—innocence always. All the acts of the prisoners could be accounted for without attributing preconcert, and we were bound to put the most charitable interpretation upon them.

Of two hypotheses one must be accepted. Either the three prisoners had conspired together of pure craftiness and charged Mr. Montgomery untruthfully of crime, or the latter was guilty of all that was charged against him. Assuming the latter to be true, the action of the prisoners was clearly not that of combination. The course adopted by each of the three parties was only natural and easily explainable. It was natural that Myra Fuller should seek for redress from the man who had occasioned her so much suffering and misery. It was natural that Saggs, her friend and protector, should write as he did to Montgomery, and it was natural that Peter Fuller, the father of the ruined girl, should seek for the only recompense that the author of his daughter's shame could give. Individually and collectively, their conduct was simply and solely what might have been expected under the circumstances.

No attempt was made by the prosecution to prove the conspiracy by direct evidence. The whole case rested upon circumstantial testimony, and these circumstances were feebly put themselves and without cohesion when put together. The confession of Myra Fuller, about which so much had been said, had no real bearing upon the case. As for Mr. Montgomery himself the more he said about the matter—and he seemed to forget that if speech is silver silence is golden—the worse it was for himself. By his own voluntary confession he raised doubts of his innocence where before no doubts existed. Mr. O'Halloran then proceeded to review the conduct of Mr. Montgomery dur-



ing the pregnancy of Myra Fuller and after the delivery of her child. The mutual pledge of confidence between the girl and her self-appointed confessor was as revolting as derogatory to the character of a clergyman. In itself this mutual pledge was perhaps inexplicable, but judged by the light of subsequent events, it was easily understood. The quietest attitude of Montgomery at this time was also most extraordinary. When he discovered the character of the girl he was harboring he evinced no righteous indignation or even surprise. He took it in a very matter of fact fashion. He administered dangerous medicines to her—medicines calculated to produce abortion. He also mesmerized her, and afterwards spirited her off to Swanton. Neither did Montgomery remonstrate with Sager or even intimate to him that any thing was wrong with Myra. On the contrary he concealed every movement from him, and at this very time selected him, in preference to all others, as his Church-Warden at Pigeon Hill. He furthermore administered the holy sacrament to Sager without questioning the latter's fitness to receive it. The learned Queen's Counsel next dwelt upon the contradictions between Montgomery's and Nye's evidence, regarding the purchase of medicine, and said in this as in other particulars, Montgomery was his own accuser.

The anxiety evinced by Montgomery concerning Myra Fuller's pregnancy was also another circumstance that pointed strongly against him: When she found herself to be with child, she wanted to go to Sager's. He would not permit her to do so. He made all the arrangements and insisted upon the girl's going to Swanton against her own wish. She knew no one there and naturally did not wish to go among strangers. But more damaging still to Montgomery was the conflicting nature of his evidence with that of Dr. Brigham. The former swore he only paid Brigham \$50—to apply on an open account. The latter that Montgomery paid him \$80, which he understood was to be used to pay Myra's expenses at Swanton. Was it characteristic of Montgomery to pay all this money for a servant girl who had been only a few months in his house, unless there was a strong motive to compel him to do so? His extreme anxiety to conceal matters at this crisis was also inconsistent with Montgomery's innocence. Why did he keep his wife in ignorance of what was going on? Why refuse to tell Sager where Myra was or what was the matter with her? Why did he send Dr. Brigham to Swanton to tell Myra to write to the Sager's to pacify them? The reasons were obvious enough.

The attempt to shift the responsibility of the girl's condition upon another person was as flimsy as it was unprincipled. There was nothing in the conduct of Sager to shew that his relations with Myra were other than those of an honorable friend and protector. Even Mrs. Montgomery's evidence made this point sufficiently clear. True, the latter testified that Myra and Sager had been seen together under suspicious circumstances. They went to the cellar once to get some cabbages, but nothing unusual was noticed in their appearance when

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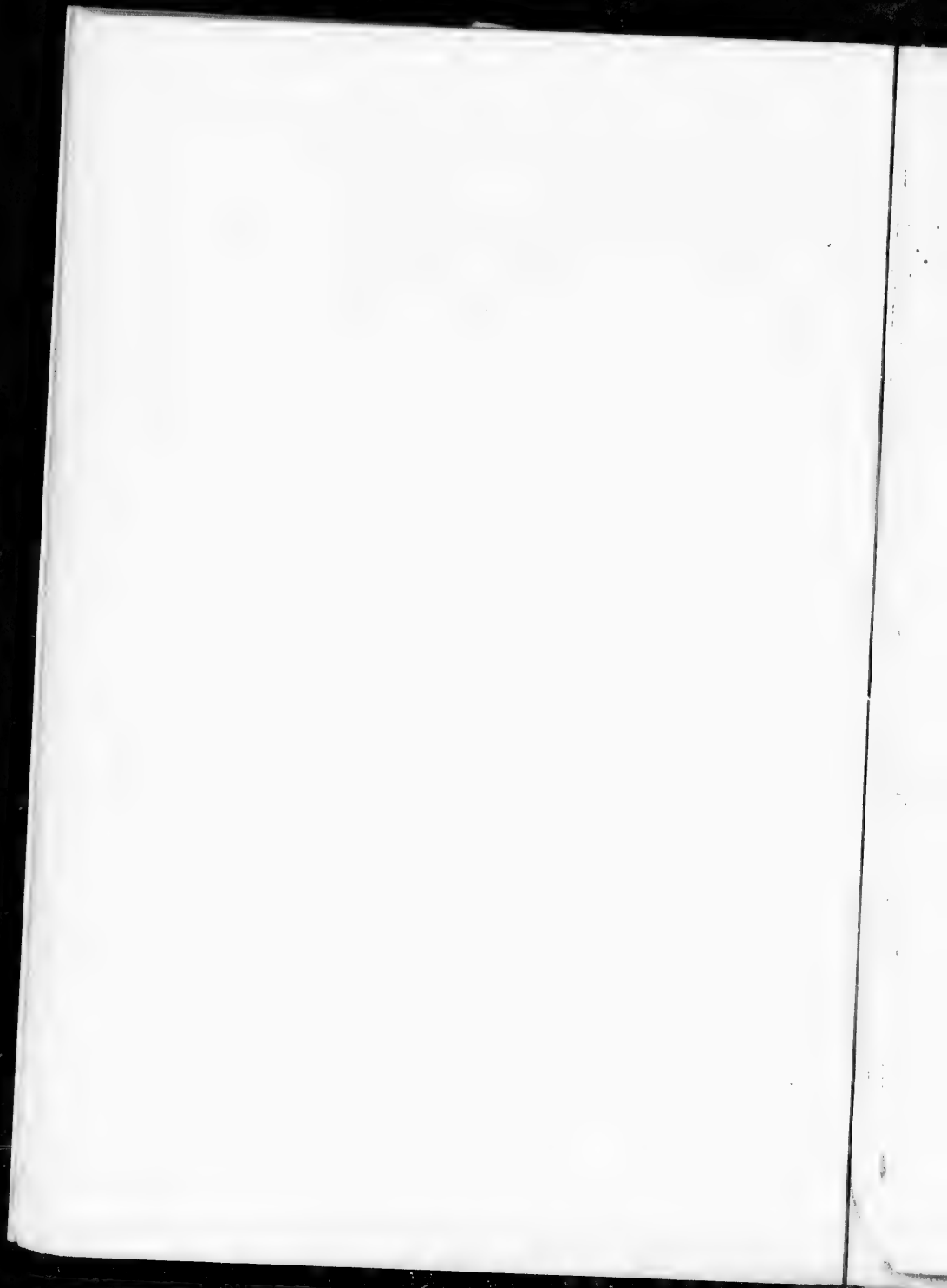
they came up a few minutes afterwards. They were on another occasion discovered in Mrs. Montgomery's bed-room. But why were they there? If Elmira Fuller could testify she would tell them they were sent there by Montgomery, no doubt, to throw a doubt upon Sager's character.

Mr. O'Halloran then proceeded to review the correspondence submitted in the course of the examinations. He claimed that this in itself would convict Montgomery in the mind of any unprejudiced person. True, Montgomery refused to pay any money. He was too parsimonious for that. But if innocent, would he invite Myra to return to his house, and assure her of a speedy and satisfactory settlement and a comfortable home for life? The idea was preposterous.

Again, upon the father of the girl, Peter Fuller, calling at Montgomery's to see his daughter, not knowing she had left there and gone to Sager's, and not suspecting anything wrong, how careful was Montgomery to refrain from giving him the slightest intimation as to what had occurred. Here the same unaccountable secrecy was observed as from the first.

So far as the evidence of Dr. Brigham was concerned, it was unsatisfactory because it was incoherent, imperfect and unwillingly given. But it tended to criminate Montgomery and exonerate the prisoners. It was also very apparent that Dr. Brigham could have told a good deal more if he chose to, and that he withheld all he possibly could in the interest of Montgomery. On the testimony of Dr. B., Mr. O'Halloran further commented at considerable length, referring to the Dr.'s examination of Myra; the arrangements he made for her reception and stay at Swanton; the communication he had with her when there; his efforts to conceal matters from Mrs. Montgomery; the suspicious nature of his interviews and transactions with Drs. Morrell and Bourdon; his intercourse with Mrs. Lawrence; his reply to the latter when appealed to to smooth matters over with Mrs. Montgomery, that "they could tell a dam sight better story than I could," and other significant circumstances.

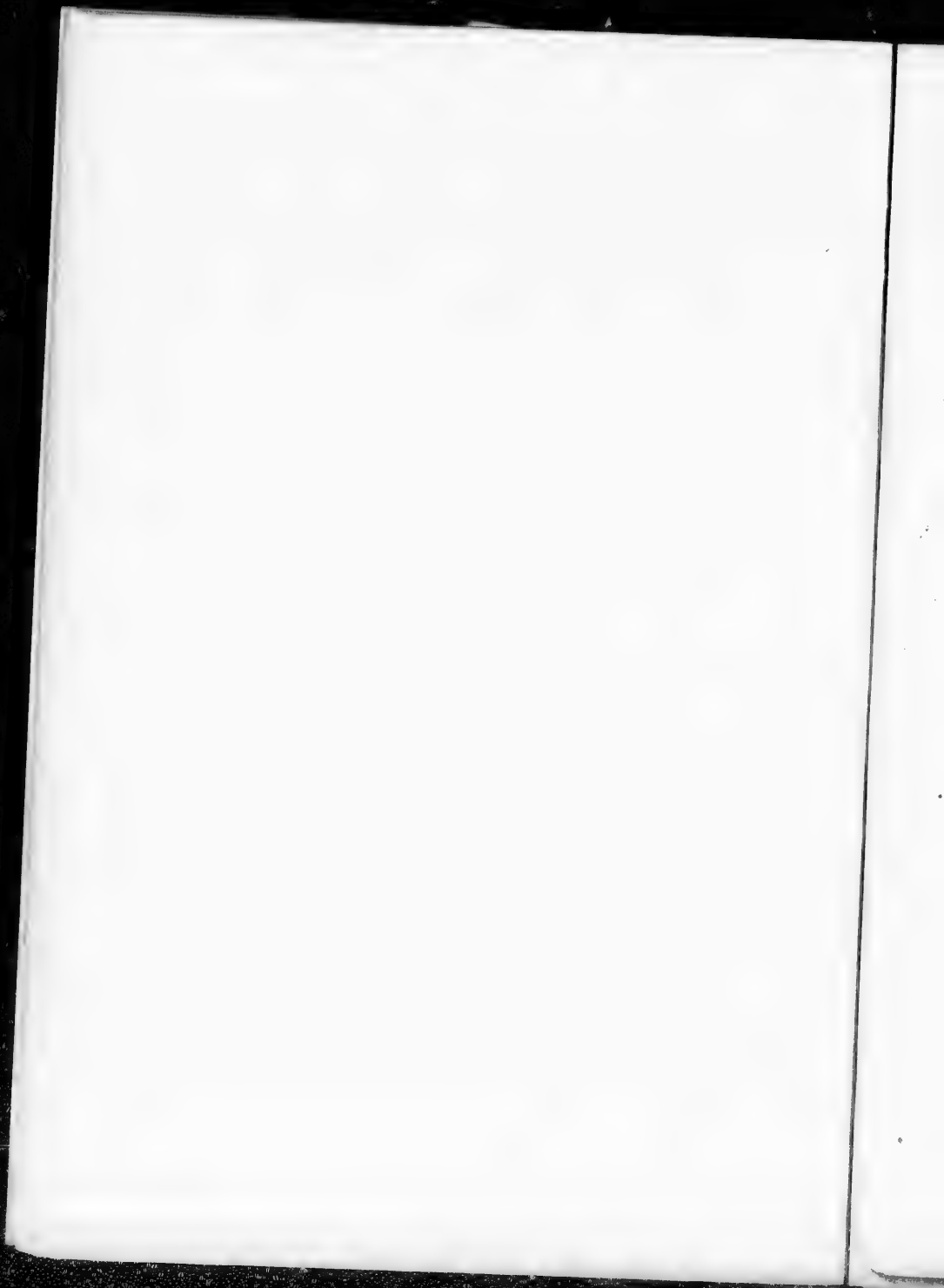
Continuing, Mr. O'Halloran asked why was Myra sent back to the Parsonage after her confinement? and why was Mrs. Lawrence brought over also? It was necessary, we are told, to pacify the suspicions—the naturally aroused suspicions of Mrs. Montgomery, and Mrs. Lawrence was employed to tell her a "smooth story." Why again this continual deception and mystery? Is it reconcilable with the innocence of Mr. Montgomery? Furthermore, if Mrs. Lawrence be a prostitute and a perjurer, as the prosecution would try to make out, how comes it that she was received as an equal in Mr. Montgomery's family, treated with all deference and respect by the head of the family, taken out to drive by him, and otherwise entertained as an honorable woman? Is Mr. Montgomery in the habit of opening his house to such characters as his attorneys now depict this woman to be? The fact is there is nothing unnatural or unreasonable, under the circumstances, in Eliza Lawrence's testimony. No doubt Mont-



gomery admitted to her all that she says he did, and when interrogated confessed himself the father of Myra Fuller's child. The prosecution had scoured the country to break down her testimony, but had most lamentably failed in their efforts. Her story, plausible on the face of it, was corroborated by other unimpeachable witnesses. Certainly somebody was the father of the child, and he would ask the Court in all seriousness whether, from the facts elicited, it was most likely that Montgomery or Sager was the guilty party? He held that the conduct of the latter, from first to last, was perfectly honorable, and perfectly natural. It was no crime to make a demand upon Montgomery for \$1,500. This was but a slight compensation for the girl's loss of character and health. In this as in other particulars, Sager simply acted as her friend. The case was one of uncommon occurrence and it was unjustifiable to impute unworthy motives to the prisoners for the course they had taken.

Mr. O'Halloran, reverting to the charge of conspiracy, contended that the pretensions of the prosecution had fallen to the ground. The burden of proof rested with them and they had failed to make out their case. Their charges were not borne out by the evidence. There was no proof whatever of conspiracy. The acts of the prisoners can and had been all accounted for. There was no combination—no attempt to levy black mail or extort money from Montgomery under false pretences. It was Montgomery, however, who was responsible for all the misery and mischief that all right minded people deplored. He it was who first thought of ruining the girl, and subsequently of trying to fasten the crime upon other shoulders. He first destroyed an innocent maid, became accessory to abortion, and then tried to blacken this victim's character before the world. The first offence might have been condoned, but the series of perjuries which followed will bring on the guilty party the punishment he so richly merits. His clients were ready to submit to the verdict of their peers. They were not afraid of the issue—already they had had a jury trial. The numbers who had assembled day after day in this court room to hear the evidence had unmistakably pronounced their judgment in favor of the prisoners at the bar and against their iniquitous persecutor.

W. W. LYNCH, Esq., also for the defence, next addressed the Court. He felt that after the able and exhaustive argument of his learned confrere, Mr. O'Halloran, but little remained for him to say. His position, however, was a peculiar one. He stood specially charged with the defence of one of the prisoners, Peter Fuller,—the father of Myra—and on his behalf he would point out a few significant circumstances. Myra Fuller left the paternal roof four or five years ago. She left home to earn an honest living, going from one neighbor to another, until she reached the Sager's, at Pigeon Hill. After living at the latter place for some time and conducting herself in all respects as a proper young woman, she finally enters into the service of a venerable minister of the church, the Rev. H. Montgomery. Peter Fuller goes to Philipsburg and completes a bargain for his



not the subject for a criminal indictment. Fuller's conduct was free, open and frank. He stood to-day in the defence of his rights, and what he did as the father and protector should make atonement for his excited feelings or excess of zeal. Mr. Lynch then proceeded to review Mr. Montgomery's character and his inexplicable conduct—inexplicable on any other theory than that of his guilt—since this most demoralizing scandal first began to be spoken of. He had entered in the case reluctantly but in the interests of justice felt bound to take it up. He was glad the examination had resulted in the developments of so many facts—although there still remained much painful mystery. His own convictions on the matter were strong but he would not be justified in stating them. In the present case, inasmuch as the question which now offered itself for the consideration of the Court, was not whether Mr. Montgomery was guilty of the heinous crime charged against him in the other case; but whether the prisoners were guilty of a conspiracy. Upon a careful and unimpassionate examination of the whole evidence, it would be found that Peter Fuller had committed no offence,—that his only fault, if indeed it could be imputed to him as a fault, consisted in the exercise of that parental duty which the unfortunate position of his daughter forced upon him, to charge the man whom he had previously regarded as his friend, with being the cause of the ruin of his girl.

G. B. BAKER, Esq., M. P., on opening his remarks on behalf of the prosecution, accorded to Mr. O'Halloran credit for his skill in dissecting evidence, yet he thought the learned counsel had mistaken the occasion. The Court was not now trying prisoners but simply examining them. The public were not sitting here as petit nor yet as grand jurors, and he should not address his remarks to the tribunal to which his learned friend had so pathetically yet withal so ineffectually appealed. He repudiated the doctrine that the public was sitting as a jury; but when the gentlemen opposite come before a jury with sworn responsibilities he and his confederates laboring with him, would be ready to meet them. The public had nothing to do with this investigation and the threat of the learned Q. C. was most untimely. He, Mr. Baker, did not either propose ransacking his memory for quaint sayings of ancient philosophy or classic epigrams but should briefly apply those principles of law as clearly laid down. Looking at the case as presented to the Court the issue was a narrow one; the prisoners were charged with conspiracy to extort money. True it was, there were no witnesses to what had transpired as their secret meetings; but the charge was fully established by such evidence as the law holds good. The letter of Sager bears the evidence of guilt on the face of it; the letter of Myra exposes her designs, and the subsequent participation of Fuller implicates him as well. The conduct of Mr. Montgomery, Mr. Baker continued, was not inconsistent with that of an innocent man. He felt a deep interest in Myra's temporal and spiritual welfare. His letters imploring her to return and mend her ways were perfectly natural besides his client desired to abandon the case to save a foul scan-

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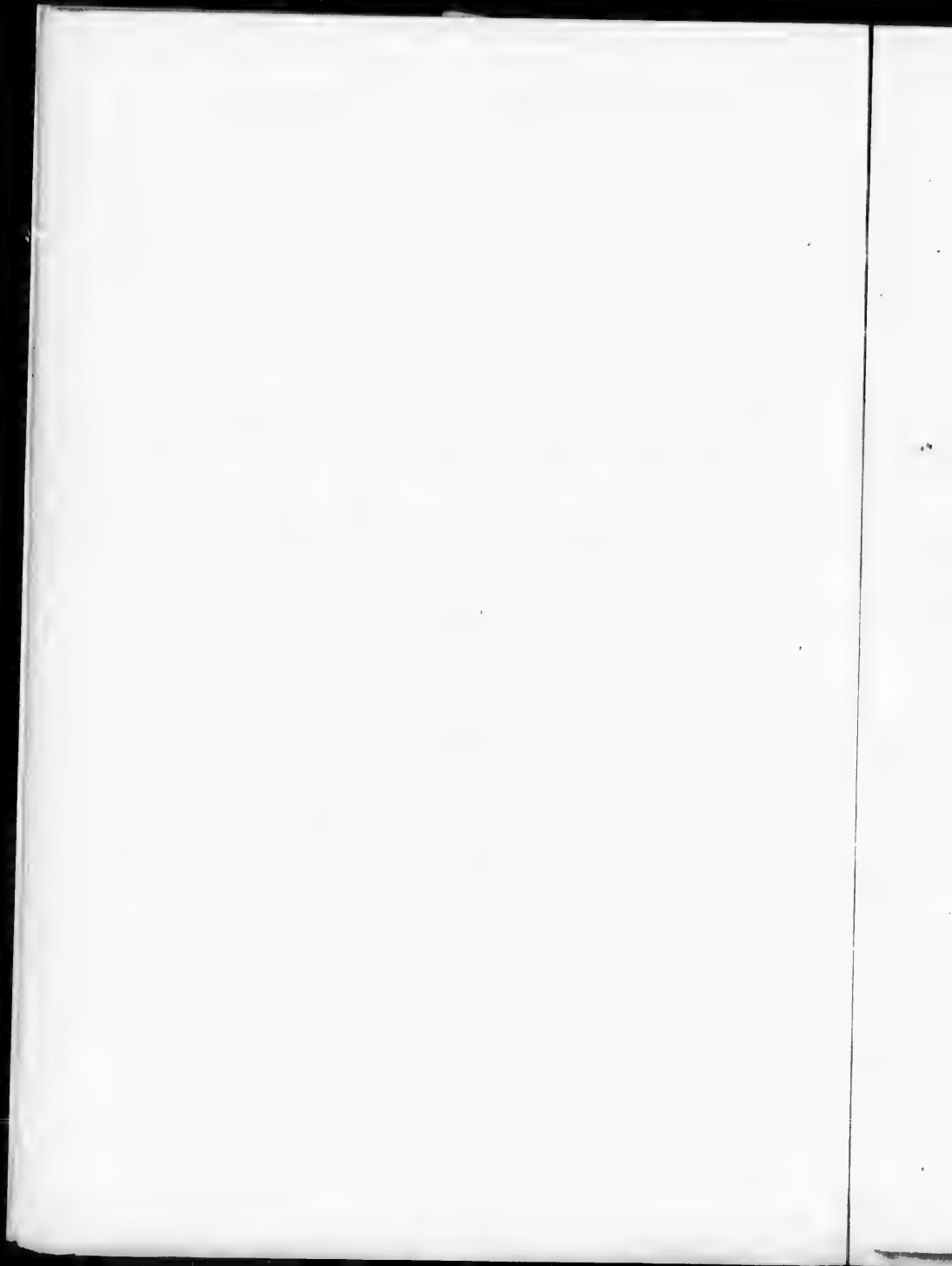
daughter. He has confidence in Montgomery; thinks his child has a desirable situation, and occasionally visits her. On the 27th of last June he goes to see her at the Rectory. She is not there. She had gone to Pigeon Hill. No reason is given for her leaving. Although Mr. Montgomery knows only too well, he does not so much as hint at the cause of her absence, but cordially invites Fuller to stay at the Rectory. No reference is made to the letters that had been written. On his leaving for the hill, Montgomery makes Fuller the bearer of that extraordinary letter to Myra which has just been read in this Court. Next Peter Fuller meets Montgomery in the evening. He has seen his daughter and knows that she has been the victim of a wrong. He charges Montgomery with ruining Myra and sending her to Swanton, and demands reparation. Fuller goes home and returns again on the 5th of July. Mr. Montgomery is absent, but he sees his wife and tells her that he wishes a settlement, that he should sue Mr. Montgomery if he refused to make reparation for the wrong. Was the action of Peter Fuller the action of a dishonest man? Was it unnatural? Was it strange that he should have been excited or that he could not remain perfectly calm? How differently would any other man have acted under the circumstances?

Reviewing the accusation against the prisoner, Mr. Lynch went on to say that in order to bring home the charge of conspiracy against these parties it must be shown clearly and without doubt that they combined together to do a lawful act by an unlawful means, or to do an unlawful act.

To prove a case of conspiracy it is necessary to charge innocent persons with an offence. Even taking Montgomery's own testimony there can be no doubt of his guilt. But admitting this was illegal were the means used unlawful? Upon those two points a number of authorities were quoted.

The fact of Fuller going to Montgomery and asking for a settlement was not wrong. The demand for reparation was undoubtedly right. The means made use of were also perfectly proper and lawful. Next if we look at the agreement, conspiracy and combination among the parties, we see that the evidence that connects Peter Fuller with the other parties is disconnected and unsatisfactory. Fuller leaves Mr. Montgomery's home on a Sunday morning and meets him at the Pigeon Hill Church door the same afternoon. There was no guilty union between Fuller and the other prisoners. Fuller charges Montgomery with seducing his daughter. This charge was not made to extort money. The declaration asking for \$1,500 he did not agree to. There is no offence to lay at the door of Fuller. No conspiracy or combination between Fuller and the other parties can be made out from the evidence, and the means made use of by the father of the injured girl to obtain some satisfaction were perfectly natural and legitimate. A decision pronounced by an English Judge in a somewhat analogous case was cited in support of this pretension.

If Montgomery felt aggrieved he had a civil recourse—but Fuller was



mon purpose. The conduct of Peter Fuller was then reviewed by Mr. Roberts and his complicity in the conspiracy set forth. Myra had been out of her father's house since a mere child, and he had never visited her before, except on the occasion sent for to close a bargain with Mr. Montgomery. He suddenly evinced an unwonted interest in Myra, which, however natural to most fathers was certainly strange in Peter Fuller. It was clear that his sole object was to get money, and he played his part in the conspiracy game concocted at Pigeon Hill.

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dal from getting abroad. The evidence of Mrs. Lawrence—the unstable foundation upon which the cunning fabric of the defence was erected—was utterly worthless. No jury would adjudge a man guilty upon such palpably false testimony. Her character for untruthfulness had been plainly established, before this court. Apart, however, from such considerations, the prosecution rely on the fact that evidence sufficient to convict the prisoners had been adduced. Some doubt had been raised by the reprehensible practice of throwing dirt so freely indulged, in but this could not effect the merits of the case nor secure the discharge of the prisoners.

T. R. ROBERTS, Esq., followed Mr. Baker also in behalf of the prosecution. He expressed himself as equally at a loss to comprehend the drift of Mr. O'Halloran's argument until he reached the conclusion of his address. He had appealed to the prejudices of the public and not to the impartiality of the Court. Mr. O'Halloran had also evidently mistaken the case or side of the case on which he was employed. The main scope of his plea was to attack Mr. Montgomery. This was not the issue before the Court though in a case such remarks might be proper. The learned counsel had gone into the evidence with a minuteness which did credit to his memory and imagination. A chain is only strong where its links are complete. In this case the pretensions of the defence were lamentably disjointed and incomplete, but the missing links in the chain of the evidence had been supplied by the imagination and dexterity of the opposite counsel, and a most pathetic appeal made to the prejudices of an excited public.

Mr. Roberts, however, feared that Mr. O'Halloran had wasted his labor. He had given exhibition of great powers of logic, but his argument was inconsistent with the issue before the Court. It was most important to be borne in mind that the guilt or innocence of Montgomery was not material—it did not effect this case one way or the other. On this point all the authorities were very clear. It was the prisoners J. M. Sager *et al* who were being examined—not Mr. Montgomery. They were accused of conspiracy and he contended that the evidence against them clearly established their guilt. True, no one swore that he overheard them concocting their plans—there were no listeners to their mid-night counsels and they had confessed to no one their schemes. Conspirators do not usually make their plans known to outside parties, and consequently in most instances it is a difficult crime to prove. But in this case the combination of circumstances was so strong as to leave no doubt in the mind of an unprejudiced person that they should be committed for trial.

All the elements of a conspiracy existed in this case. The acts of the accused parties pointed to one common end. The letters bore the impress of one mind, and the infamous character of the letter of Myra to Montgomery of June 22nd told most strongly against her. Other correspondence was equally convincing, and pointed clearly to the established confederacy between at least two prisoners for one com-



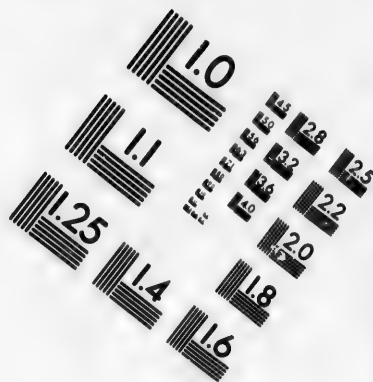
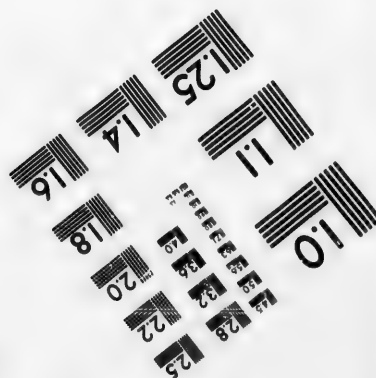
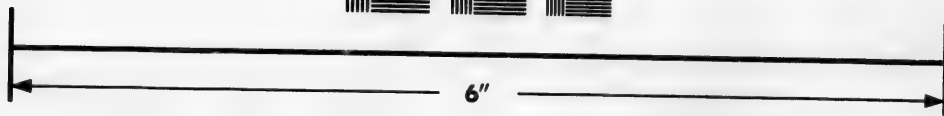
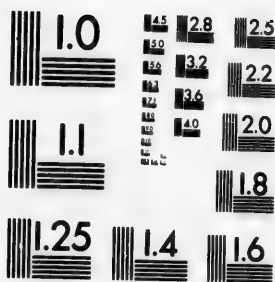


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THE PERJURY CASE.

*THE QUEEN, vs
The Reverend Hugh Montgomery.*

} PERJURY.

CANADA, PROVINCE OF QUEBEC, }
DISTRICT OF BEDFORD.

The information and complaint of Myra Fuller, of the West Parish of St. Armand, in said District of Bedford, taken upon oath this second day of November, one thousand eight hundred and seventy-two, before the undersigned District Magistrate, in and for the District of Bedford, who saith, that at a Special Session of the said District Magistrates' Court holden in and for the said District, at Nelsenville, in said District, on the fifth day of September, one thousand eight hundred and seventy-two, before the said District Magistrate, a certain issue between our Sovereign Lady the Queen and one John M. Sager and others on a charge of conspiracy, was held and enquired into, upon which trial and enquiry, Hugh Montgomery, of said West Parish of St. Armand, Clerk in Holy Orders, appeared as a witness for and in behalf of our Sovereign Lady the Queen, and was then and there duly sworn before the said District Magistrate, and did then and there upon his oath aforesaid, falsely, wilfully and corruptly depose and swear in substance and to the effect following: that he, the said Hugh Montgomery, had not had sexual carnal connection with said Myra Fuller and that he never carnally knew the said Myra Fuller, whereas in truth the said Hugh Montgomery had had carnal sexual connection with said Myra Fuller and had carnally known her, the said Myra Fuller, and the said Hugh Montgomery did thereby commit wilful and corrupt perjury.

(Signed,)

MYRA FULLER.

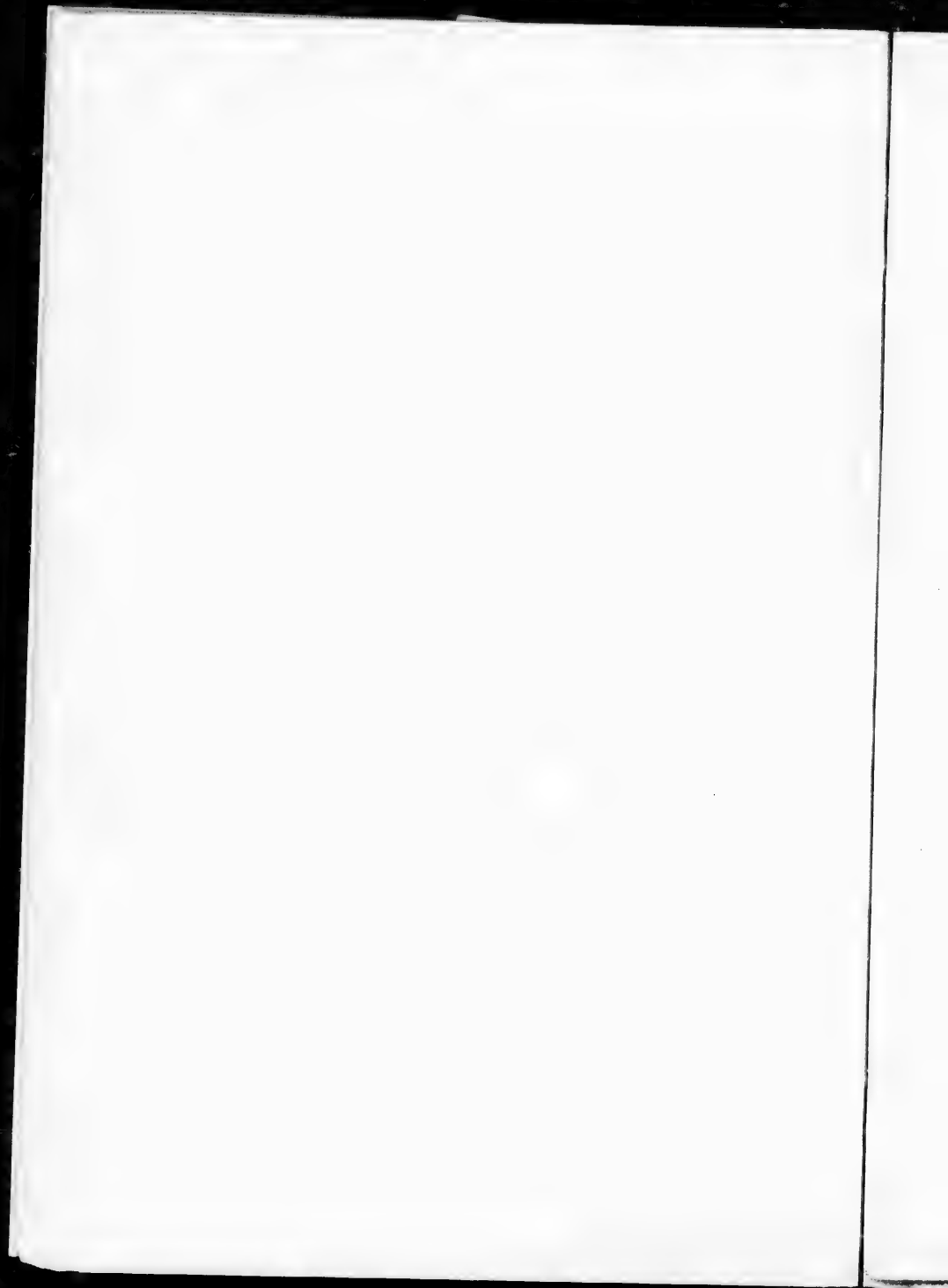
Sworn before me the day and year first above mentioned, at Nelsenville aforesaid.

(Signed,)

SAM. W. FOSTER,

District Magistrate in and for said District.

Upon the information, Hugh Montgomery was arrested and admitted to bail, himself in the sum of \$500 and Abram Pickle of Sweetburg, in the sum of \$500 for his appearance from day to day until duly discharged.



PROVINCE OF QUEBEC, }
DISTRICT OF BEDFORD. }

*Special Session of the Peace held at the Court House, at Sweetzburg
this 4th day of October, 1872.*

PRESENT: SAMUEL W. FOSTER, Esq., District Magistrate in and
for said District.

The Queen, *vs* Hugh Montgomery charged with perjury.

The deposition of Toussaint F. Quimet, of Sweetzburg, being duly sworn doth depose and say: I am Deputy Clerk of the Peace for the District of Bedford, and as such I am Clerk of the District Magistrate's Court. On the fifth day of September last, a trial and enquiry was held before the said District Magistrate, on the complaint of the Reverend Hugh Montgomery of the Village of Philipsburg, in said District, Clerk in Holy Orders, on a charge of conspiracy against John Mc Sager and others; the complaint and proceedings upon that trial I now produce. The Rev. Hugh Montgomery was examined as a witness and his examination was taken down in writing which I now produce. The signature to that deposition is the signature of the Rev. Hugh Montgomery, he is the same person who is the defendant in this prosecution. The jurat to that deposition is signed by and is the signature of the said District Magistrate; the signatures of the said Magistrate and of Hugh Montgomery, were signed by them respectively in my presence; said Hugh Montgomery was sworn in my presence and declared under oath that said deposition contained the truth and acknowledged it to be his deposition.

I find in that deposition the following statement: "I swear in the most positive manner, and without any equivocation or hesitation, that I never had on any occasion or at any place, carnal connection with the prisoner Myra Fuller, that it was impossible that she could have ever been pregnant by me."

CROSS-EXAMINED.

The oath was administered to the Reverend Hugh Montgomery by the District Magistrate to the deposition above referred to.

(Signed,)

T. T. QUIMET.

Sworn 4th October, 1872.

(Signed,)

SAM. W. FOSTER, District Magistrate.

D. C. P.

The defendant by his Attorney, G. C. V. Buchanan, Esquire, objects that the proof of the foregoing deposition by the Reverend Hugh Montgomery, should and could alone be proved by the District Magistrate who swore the witness.

The deposition of Myra Fuller, of the West Parish of St. Armand, in said District, being sworn deposes and says I was twenty years old last May. I have been residing in the family of the Rev. Hugh Montgomery. I first went to reside there the 12th of September 1870.

Some time after I went to reside there, the prisoner commenced to practice mesmerism over me. It was in May 1871 that he commene-

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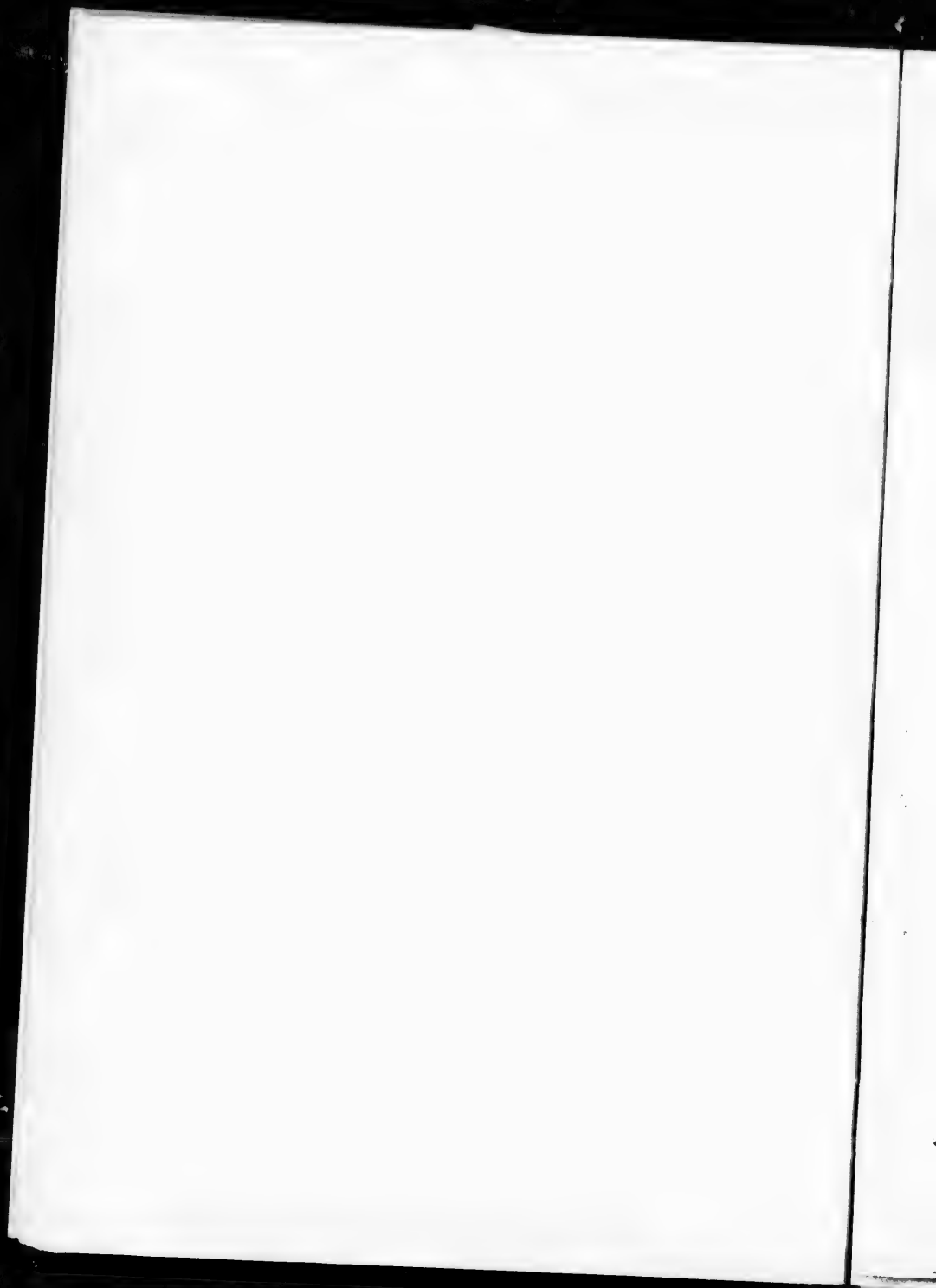
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Bedford,

ed to take improper liberties with me, and the first time was in November 1871, he had what you call here sexual intercourse with me, that is to say he went to bed with me. I can't state exactly the first time he went to bed with me. I know that he had on the 21st day of November connection with me; he had connection with me several times previous to that, but I cannot give the exact date. It took place generally in his library or in his wife's bed-room, the room adjoining, and he continued to have intercourse with me all the time till I left in June of the present year. He had acquired mesmeric power over me to the extent that I was utterly powerless in his hands. He could put me to sleep. I became with child by him. I informed him that I was with child by him. When I told him that I was in the family way, he said it was not so. After I repeated the same thing, that is that I was in the family way, he sent for Dr. Brigham to examine me. Dr. Brigham pronounced me to be with child. I subsequently gave birth to a child. The Rev. Hugh Montgomery was the father of the child and I was delivered of that child on the 8th of May last.

Cross-examined by G. C. V. Buchanan, Esq.—I was born at East Farnham. I left my father's place about five years ago, so that I could work out and get my own living. I did not live very pleasantly at home; my father had married again before I left. It is not a fact that I was turned out of the house by reason of misconduct with boys and men. I went to work with Heman Allen and from there I went to work for Miner Jardyce, my step-mother's sister, then I went home and stayed two or three months; then I went to Anson Sargent's and from there to John M. Sager's, at Pigeon Hill, who with myself and father, are under arrest for a charge of conspiracy against Mr. Montgomery. I stayed at Sager's about eight months and then went to Mr. Montgomery's. Volunteers were staying at Sager's while I was there; among them was Ely Boekus, John Lord and I don't recollect the names of the others. I went to Mr. Montgomery's the 12th September 1870. I had been there nine months before he began to mesmerise me. I have been always friendly with the family, sitting in the family room, singing at times with Mrs. Montgomery. I never saw Mr. Montgomery try to mesmerise anybody but me. I know that he used mesmerism for alleviating pain and to amuse the family. I don't know if he has still that mesmeric power over me. I first discovered his mesmeric power over me by his putting me to sleep. We were talking about it one evening, and Mrs. Montgomery told him to try it on me and I asked him to do so, he tried and succeeded. I knew nothing and each time he repeated the trial he had greater influence over me. He first began to mesmerise me in May 1871. The first time he went to bed with me, I was under his mesmeric influence more or less. I remember particularly as having had sexual intercourse with him that day because we were alone in the house all night. Mrs. Montgomery had gone with her little boy to her father's at Bedford, the afternoon previous, and I remember it was the only time



I stayed with him all night. The first time I had sexual intercourse with him, was in the first part of November. It was in the day time because matters had not progressed far enough for him to come to my room at night. The first time that it occurred was in the library. Mrs. Montgomery was not in the house, she was out in the village. I certainly did reproach him the first time I had connection with him. I swear that it was the first time I had had connection with man or boy. When he proposed to me to do it the first time I was working in the adjoining bed-room and he called me into his library. He did not take me back to the bed-room, it was in the library we had connection; there was no other servant in the house, except a man who came night and morning to do the chores. This connection went on from time to time as occasion offered till I left. Sometimes he would come to my room at a night. I cannot tell how many times I had connection with him, for a good reason they were so many I can't tell. I went there a virtuous girl, and when he made those improper proposals to me, I made no complaint to my friends nor wanted to leave his house. I tried to resist it and I tried it as any woman would. I told him I did not want to do any such things. I told him if he did it I should expose him. He threatened me and said I could not expose him on account of the oath and I submitted to it. It was in the library, a front room alone. I could have called out the passers-by if he had not frightened me as he did. I had taken an oath before him on the 1st day of November in his library—my oath was not in relation to Mr. Sager. The oath that I took was an obligation that I could not expose him in anything he might say or do. I cannot give the exact words of the oath, but that's the substance of it; the oath was taken on the Bible. He did not exactly repeat the same words, but he said he took the same obligation himself and he kissed the Bible. This oath was taken before any improper conduct had passed between us. I did not discuss the terms whatever, the only terms were that I could not expose him or say anything about it and I took the oath; he gave me no time to think or act for myself. I cannot give any reason why I took the oath. I cannot tell how long this oath was taken before I had connection with him; it might have been a week or a fortnight.

I discovered that I was not right, about a month after Mrs. Montgomery went to Bedford, and after he had slept with me. I did speak to Mrs. Montgomery of my not being well, more than once. She advised me to take what girls usually do when they have taken cold; she did not recommend my taking pills and knew nothing about my taking them. I was not at all times under mesmeric influence, when I had connection with him.

RE-EXAMINED.

The oath that I speak of, had no reference to anybody but myself and Mr. Montgomery. The reason that Mr. Montgomery gave me for taking the oath, was as I have stated, that I could not expose him in anything that he might do himself to me.

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The examination by Dr. Brigham, took place in the library. It was to ascertain how I was; he told me to shew my breast, I did so and he passed his hands over my person outside of my clothes.

[Signed,]

MYRA FULLER.

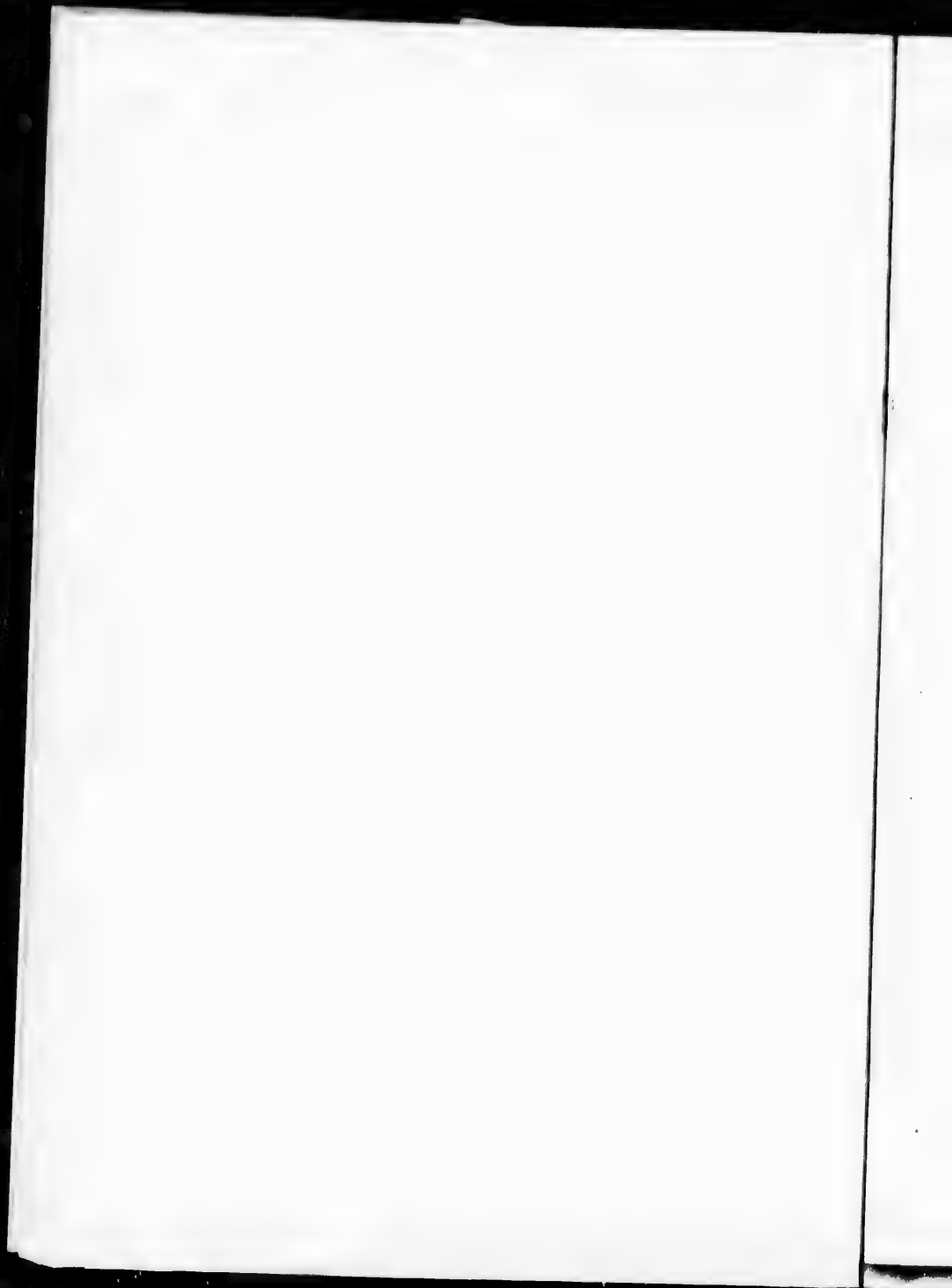
Sworn to, 4th October, 1872.

(Signed,)

SAM. W. FOSTER, District Magistrate.

The deposition of Evelyn C. Lawrence, of Swanton, Vt., being duly sworn saith: I reside in Swanton, Vt., I know the Rev. Hugh Montgomery and Myra Fuller. It is to my knowledge that Myra Fuller was delivered of a child at Swanton; it was in the month of May last. I was at Mr. Montgomery's house a week or so after. I had some conversation about the child Myra was delivered of; part of the conversation took place in the house and part while we were out driving up to the lake; then he drove me to the burying ground past the line; in the conversation, I asked him of Myra's going out, being wild; he said he kept her rather close, she was not a wild girl. I said I wonder who is the father of the child, he replied, "I am," and asked me if Myra was hard sick; I told him she was and that Dr. Bourdon attended her; he wanted to know the sex of the child, but I did not know, and I told him they buried it. Mr. Montgomery said if I said anything about the conversation, he said he would have taken me up before I left. I went to Dr. Brigham and asked him if there was such a law and he told me there was not. Myra remained at my house three weeks and three days. I have not been paid in full, there is a balance of \$5 still my due. On my telling him that I had not been paid in full, he said I should be well paid, but that he would not pay me now; he said Dr. Brigham had that matter in his hands; this conversation took place in the month of May last; the conversation while we were driving took place the Friday before I went home.

Cross-examined by G. B. Baker, Esq.,—My name is Evelyn C. Lawrence. I shall be 28 years old the 15th of the month of October. I have lived in Swanton two years. I came from Alburch, where I had lived over a year; before I went there, I lived with my father at St. Albans, Vt., But, if I am not mistaken, I have been married eight years this December and have always been with my husband since I married him. I did not live with him before I was married. I was sewing at Swanton and my husband is foreman of a hay press. I do not keep boarders, with the exception of Mr. Lawrence's hired men. Myra is the first boarder that I took to my recollection on my own account; my husband did not have any female boarders to my recollection except Myra. They were to pay me \$10 a week for Myra's board. She had no money. I can't say that \$10 is the price for week for board and lodging at Swanton. Dr. Bourdon engaged us to board Myra; he is not a particular friend of mine, but he is the family Physician and comes when called upon. I call on him frequently as I am out of health. Dr. Bourdon comes to my house sometimes during the absence of my husband. The reason of my husband being absent is that



he works out and is not at home all the time ; he does not stay at my house all night during my confinement ; he stayed at my house all night during Myra's confinement. Myra had one confinement and he stayed there during two nights. He never stayed at any other confinement except myself.

I charged \$10 a week as I had a great deal of work to do, the washing and nursing her all the time ; I was aware Myra was in the family way when she came to my house and was to stay there until confined, because the parties said so. Dr. Bourdon told me that he had been spoken to by Dr. Morell and Dr. Brigham ; the girl was to stay with me until confined. I did not know she would have a miscarriage or not ; she had not the appearance of a full confinement. I never expected her to have a premature confinement, but that she would stay with me until her full time. I did not myself take any steps to procure a premature birth. I did not expect her to be delivered of a child before her full time. I never saw any instruments to procure abortion in my house. I should not know such instruments unless I was told so. Myra began to shew being in the family way when she came to my place and she came, as Myra said to avoid the suspicions of Mrs. Montgomery. After Myra was delivered, I accompanied her back to Philipsburg and it was at that time that Montgomery had the conversation with me. I told Mr. Montgomery as it was ; I told Mrs. Montgomery a different story. I told Mrs. Montgomery a story that was not true.

Question.—Do you seriously expect the Court to believe that you are telling the truth when you say that a man of Mr. Montgomery's age and intelligence voluntarily told you what he was not bound to reveal, and upon the spot threatened to have you arrested, if you repeated the conversation ?

Answer.—I cannot say what the Court would believe or not, the Court will believe what it likes.

I did not think it strange Mr. Montgomery answering the question. I suppose the threat of arrest was only to scare me. It was on the Friday, I think, I drove with Mr. Montgomery and it was in the evening I went to Dr. Brigham's. I went to Brigham's for the purpose of getting Myra some medicine and then I asked Dr. Brigham if Mr. Montgomery could have me arrested here in Canada, if I spoke about what Mr. Montgomery told me. He said no, are you a damned fool. I asked Dr. Brigham not only about the conversation I had with Mr. Montgomery, but as well about the transactions at Swanton, Dr. Brigham tried to find out who was the father of the child, I told him I thought it was Montgomery. I had promised Montgomery, while driving with him I would not tell. I kept my promise partly and partly I did not. On the same occasion, I told Dr. Brigham that I had told Mrs. Montgomery a story which pacified her at that time, but she seemed angry, because Myra had gone away and did not write. Dr. Brigham asked me if Myra was hard sick, while at Swanton and if the Dr. had attended her faithfully. Dr. Brigham was there when

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Myra was taken sick. I saw Dr. Brigham twice to be sure of, while Myra was staying with me; Myra was sick and in bed at the time the Dr. paid his visit, I think it was Monday noon, it might have been Tuesday, I mean the last visit, the first day I think on which Myra addressed and took her bed. Dr. Brigham told me to make up a lie, to tell Mrs. Montgomery. I was to mention Mrs. Barney's name in the story, as he, Brigham, had mentioned Mrs. Barney's name, as well as Mr. Montgomery had mentioned the name to the Sager's. I know it was not a proper lie to tell and I won't do it again.

Mr. Montgomery told me twice he was the father of the child, the first time when we were driving, the second time I do not recollect; he had a conversation in the library; Mrs. Montgomery was in the house attending her business; I do not think she saw me in conversation with Mr. Montgomery but once in the hall. During the week I was staying at Philipsburg I called at Nye's for tincture of opium, and it and Mr. Montgomery was to pay for it.

RE-EXAMINED.

During the time I was at Montgomery's, I was treated as a lady and played the piano. It was spoken of between me and Mr. Montgomery as a thing understood between us that he was the father of the child. Further deponent saith not.

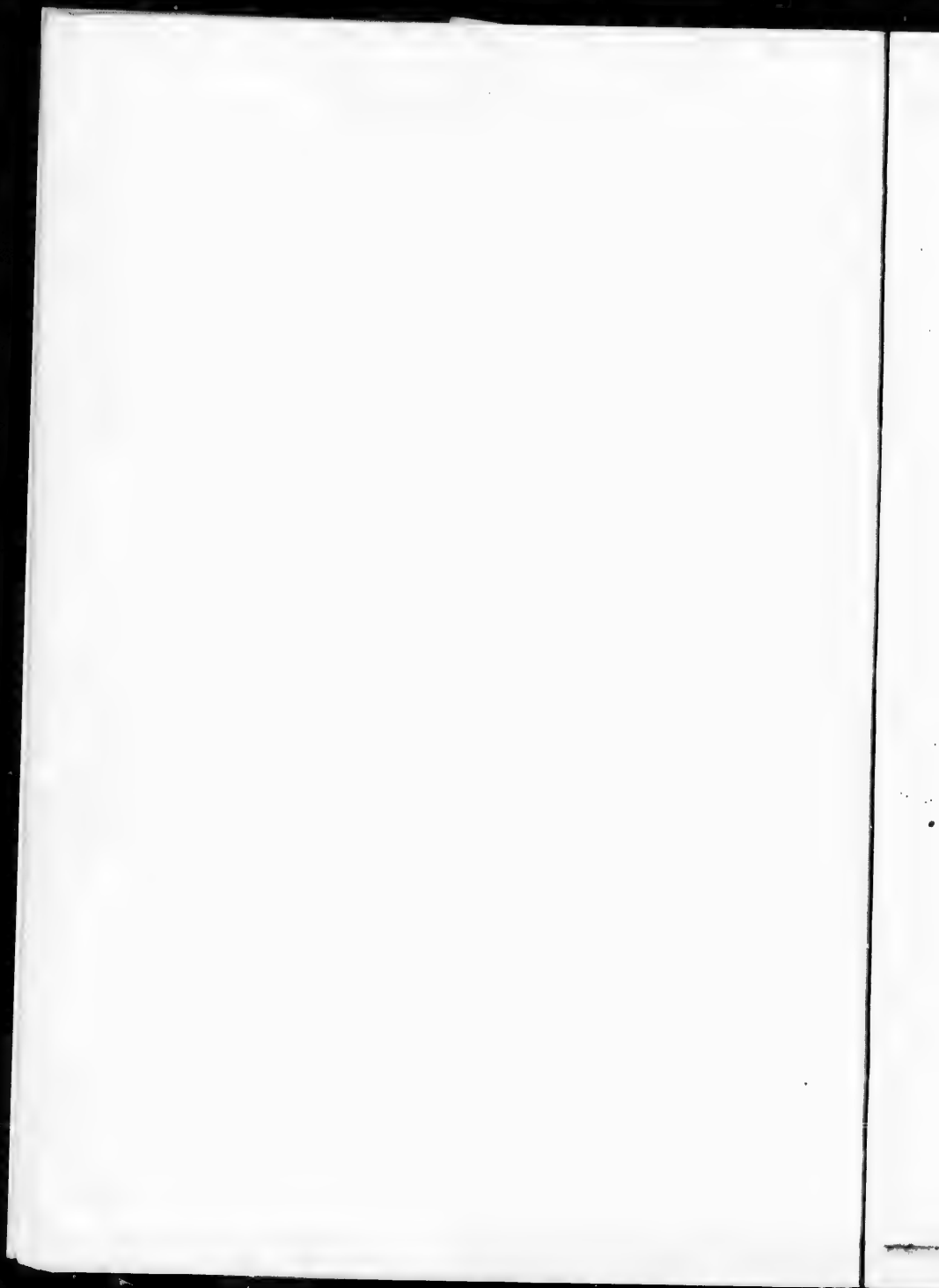
(Signed.)

Sworn &c., October 4th, 1872.

(Signed.)

Mrs. EVELYN C. LAWRENCE.
SAM. W. FOSTER, District Magistrate.

The deposition of Peter Fuller of the east part of the Township of Brigham being duly sworn saith: I am the father of the prisoner Myra Fuller, she has been living at Mr. Montgomery's. I called there to see her about the last of June; I supposed I should find her there, and had not heard of any difficulty at that time. I went to the door, and asked for Mr. Montgomery, and enquired about his folks. Myra. I had not seen Myra for nearly a year and I went to pay a visit. Mr. Montgomery informed me she was not at home, but at Pigeon Hill with the Sagers; I asked what that meant her not being with him, he said he did not know, that Sager had taken her while he was in Montreal, saying that Sager's people had acquired a powerful influence over her; he wished me to stay with him all night; I did so and had a conversation about Myra, Mr. Montgomery was sorry to part with her and wished she should remain, that she had been with her some time and always found her trusty. He made allusions of his conduct towards her, said he liked her because she kept no company there at all. On leaving in the morning, he gave me a letter for Myra, as he understood I was going to see her. The Sunday morning following, I went to Pigeon Hill and found her at Sager's. I asked her why she left Montgomery's, she gave me no answer. In consequence of what she told me, I sought an interview with Mr. Montgomery, at Pigeon Hill, in the church yard; it was on the morning, about the last of June. I charged him with having



had connection with my daughter, and getting her in the family way and of sending her to Swanton to have abortion procured. Mr. Montgomery said, "I acknowledge my guilt, but I have not transgressed the laws of the Dominion, and what was done on the other side of the river you cannot hurt me for;" I said it remains for you to come and see me and settle with me. I turned to walk away, Mr. Montgomery followed out of the church yard down the street some little distance; we had considerable conversation. I can't remember all of it, and he again acknowledged his guilt, and set a time when he would come and see me, a fortnight, I think from the following Monday. I told him I did not like to wait so long, finally I left and went home with that understanding. When I got home I thought I would go and see Mr. Montgomery again. I went and as he was away from home, I did not see him. Previous to this, I had no personal knowledge of what had taken place. It was from Myra's and Montgomery's statement that I knew it. I was very much excited and he tried to calm me.

CROSS-EXAMINED.

I am one of the defendants in the case of the Queen vs Sager. When I went to see my daughter at Sager's, I went there straight from home. I think it was in February or March that I last heard from her. I had heard or seen nothing of her since that time. When I left Mr. Montgomery's I went to Sager's. I had a conversation with Sager and there was something said about her leaving Mr. Montgomery's; there may have been something said between Sager and me, before I talked with Myra, but it certainly was after. This was on Sunday, I met Mr. Montgomery that afternoon in the church yard before service. It was in regard to what Myra had told me that I spoke to him. I spoke to Mr. Montgomery principally on what Myra had told me, perhaps on what Sager had told me. Myra said Mr. Montgomery had mesmerised her and administered an oath to her, that whatever was said or done between them she was never to tell or divulge. After that he had sexual connexion with her, I don't know that she said it was at that special time, but if not, it was soon after. After that time she became in the family way, Mr. Montgomery procured and gave her medicine and called Dr. Brigham to see her. I am not positive she told me that Mr. Montgomery sent for Dr. Brigham, but Dr. Brigham did see her, and they made arrangements to send her to Swanton. He did not say who was meant by "they": at all events she said Mr. Montgomery carried her to the station when she went away and gave her in charge of the conductor, to see her safe off at Swanton.

I cannot tell the whole conversation in detail because I do not recollect it; this conversation took place at Sager's house, at the same conversation she said that she was with child then; she said Mr. Montgomery had had connexion with her since she came back from Swanton. I then had some conversation with Mr. Sager and then I went toward the churchyard, where I saw Mr. Montgomery hitching his horse. I spoke to him first, walked up to him, tapped him on the

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shoulder. I went up alone, saying I wanted to speak to him ; we walked away to the other side of the yard and I said like this : that Myra had told me the whole, that Myra is now out of your mesmerism and the oath that you afterwards administered to her. I said she has told me all about it. I know all about it. Mr. Montgomery said " Has she told you all about Mr. Sager too." I said what about Mr. Sager. He said " she has been intimate with Mr. Sager before she came to live with me and ever since." I said Mr. Montgomery if you were an honest man as I took you to be, and you knowing that to be the case, you would have let me know about it before now. I said I believe you are lying and I don't believe a word you say. I can't say what answer Mr. Montgomery made. I believed Myra's story in preference to Mr. Montgomery's. I charged him with having connexion with Myra and sending her to Swanton for the purpose of getting rid of the child or having an abortion : I do not know the exact words he used. I am positive that he said " I acknowledged my guilt." I was excited.

Question.—Is it not a fact that during the conversation in the church yard, that Mr. Montgomery told you he was to be blamed himself for not having written to you concerning Myra's conduct with Sager ?

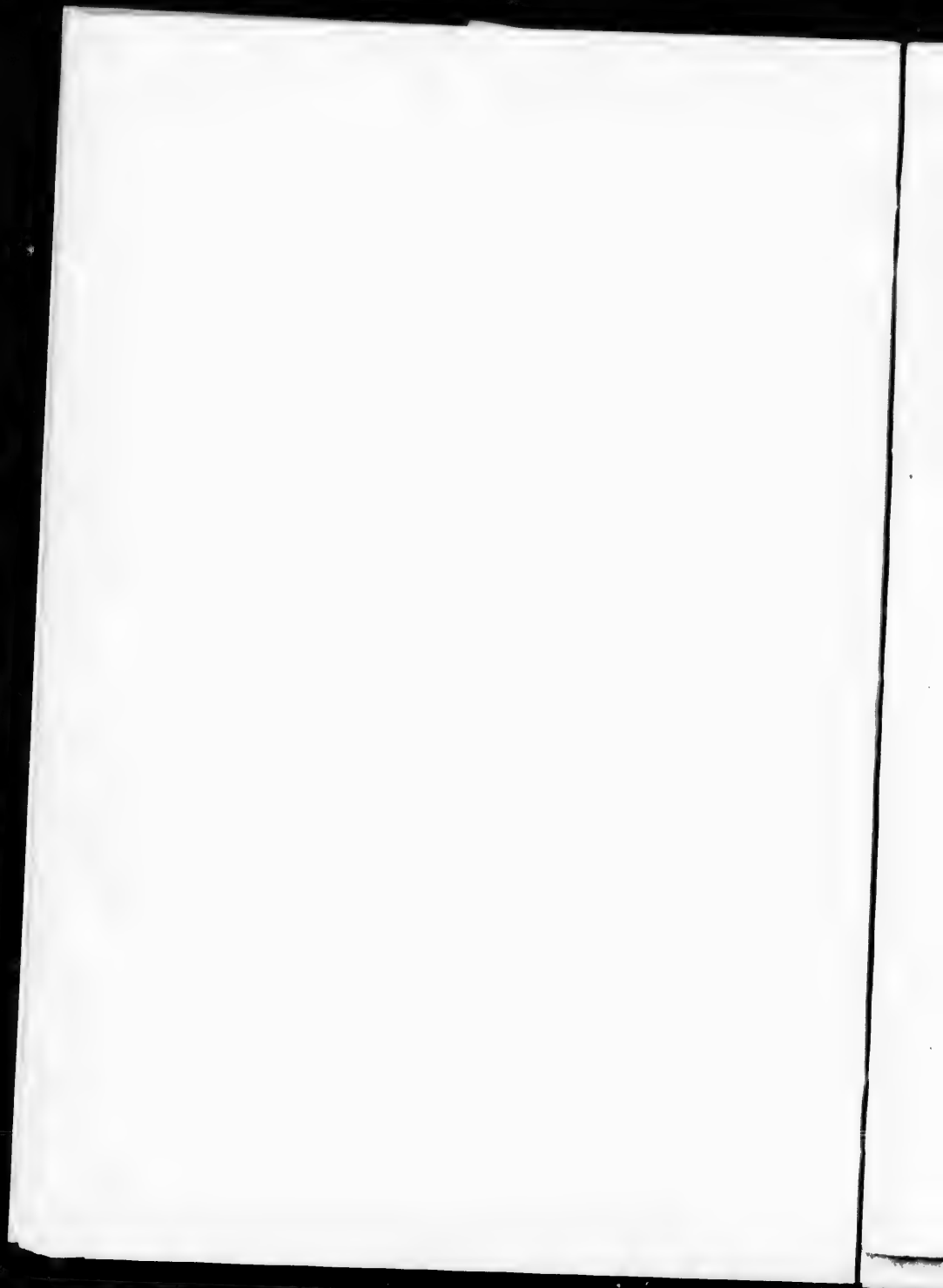
Answer.—I have no recollection of such conversation, or of his having mentioned such a thing.

When I charged him with having had connection with Myra after her return from Swanton he said, " It is false," and I may have said I was glad to hear it. It was at that meeting, on Sunday, we had that conversation. I cannot recollect if it was in the church yard or not. I understood him to deny having had connection with Myra after she had returned from Swanton. Mr. Montgomery wanted a fortnight to settle. I said it was too long. I don't recollect of his having said about a week. The reason of his wanting a fortnight was because he had some appointments, he told me something about these appointments. I do not recollect what they are. Mr. Montgomery fixed the time himself, it was a fortnight from the following Monday to my place. Will not say that Mr. Montgomery did not say to me when talking about the delay, that " delays were dangerous," and that I had better proceed at once. I will not swear that I did not say I will not wait a fortnight. I did not threaten him with prosecution further than that he must come and settle with me ; my idea of settlement was that he must pay for the abuses and injures he had done to my daughter. I of course supposed Mr. Montgomery understood that was the nature of the settlement I meant.

Question.—Is it not true that the defendant on that occasion, in answer to the charges that you made to him, and that he had violated no law human or divine and that you confused in your own mind those words with the laws of the Dominion ?

Answer.—No, Sir. I am positive he did not.

My daughter is 20 years old ; she was 12 or 13 when she first left



home. I have seen her frequently till she went to St. Armand ; Myra and her step mother did not agree very well.

Question.—After your interview with defendant, did you ^{say} anything, and what to Mr. Sager that day concerning that interview ?

Answer.—I could not recollect for certain the conversation we had, but we had some conversation about it. I told him the substance, and shortly after I went home.

I went down again, I think it was on Thursday next, and stopped at Sager's, the reason was being so worried I wanted it fixed up.

Question.—What were you worrying about ?

Answer.—It was about the trouble my daughter had got into with Mr. Montgomery.

Question.—Did you expect that Mr. Montgomery could settle your troubles except by paying you money ?

Answer.—I did not expect that paying money would settle the trouble, but I thought if he would pay her something and keep it quiet, it would be better than to be in everybody's mouth.

Question.—What settlement could you expect, or what else could the Defendant do than pay you money to settle your trouble ?

Answer.—I did not expect that he could quiet my trouble then, it it had gone too far.

Question.—Why then did you hurry there the Tuesday you mention.

Answer.—Because I thought the sooner it could be fixed up the better. By fixing up, I mean the settlement of the thing by his paying a sum of money. I did not find Mr. Montgomery at home on the Thursday, but I found Mrs. Montgomery, and I told her I came to see if we could settle up that affair, for I had come on purpose. I may have said that I would take legal proceedings to Mrs. Montgomery, I don't think I did. I stopped at Sager's on my way and may have told him what I was going for.

And further deponent saith not.

(Signed,)

(Signed,)

PETER FULLER.

SAM. W. FOSTER, District Magistrate.

The depositions of W. Green, William Stearns, Ralph Laisell and Henry Ross by consent of the parties, having been taken in duplicate, and being the same as in the conspiracy case, were filed of record in this cause.

Charity Brimmer being duly sworn doth depose and say. I reside at Pigeon Hill. I know Myra Fuller and recognize her as being here in Court. She remained at Pigeon Hill nearly three years ; residing there before she went to Mr. Montgomery's. Her character for truth and veracity is not on a par with other people. Since leaving Mr. Montgomery's, I understood she resided at Sager's. I would not from my own knowledge believe her under oath.

Cross-Examined by James O'Halloran, Esq., Q. C.

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The reason why I say her character for truth and veracity is not good, is the gross lies that she has told about me. I heard somebody else say she could not be believed under oath from general report. I heard my own sister say that she could not believe her, because she lied about her; Miss Katie Butler and Mrs. Butler I heard state the same thing, they live at Pigeon Hill, I heard them both say they would not believe a word she said. I never knew that Myra Fuller had sworn falsely previous to this trial. I do not visit at Sager's, because of the abuse they have given me, in reference to the brother of Myra Fuller. The brother of Myra Fuller lived with us, and I have reason to believe the boy attempted to set fire to my building and that Myra was a party to it. The abuse that I suffered, arose from my expressing my conviction as to the guilt of these parties, of attempting to set fire. Mr. Sager abused me by telling the boy to come to the house when I had forbidden him.

And further deponent saith not, &c.

(Signed,
(Signed,)

CHARITY BRIMMER.

SAM. W. FOSTER, District Magistrate.

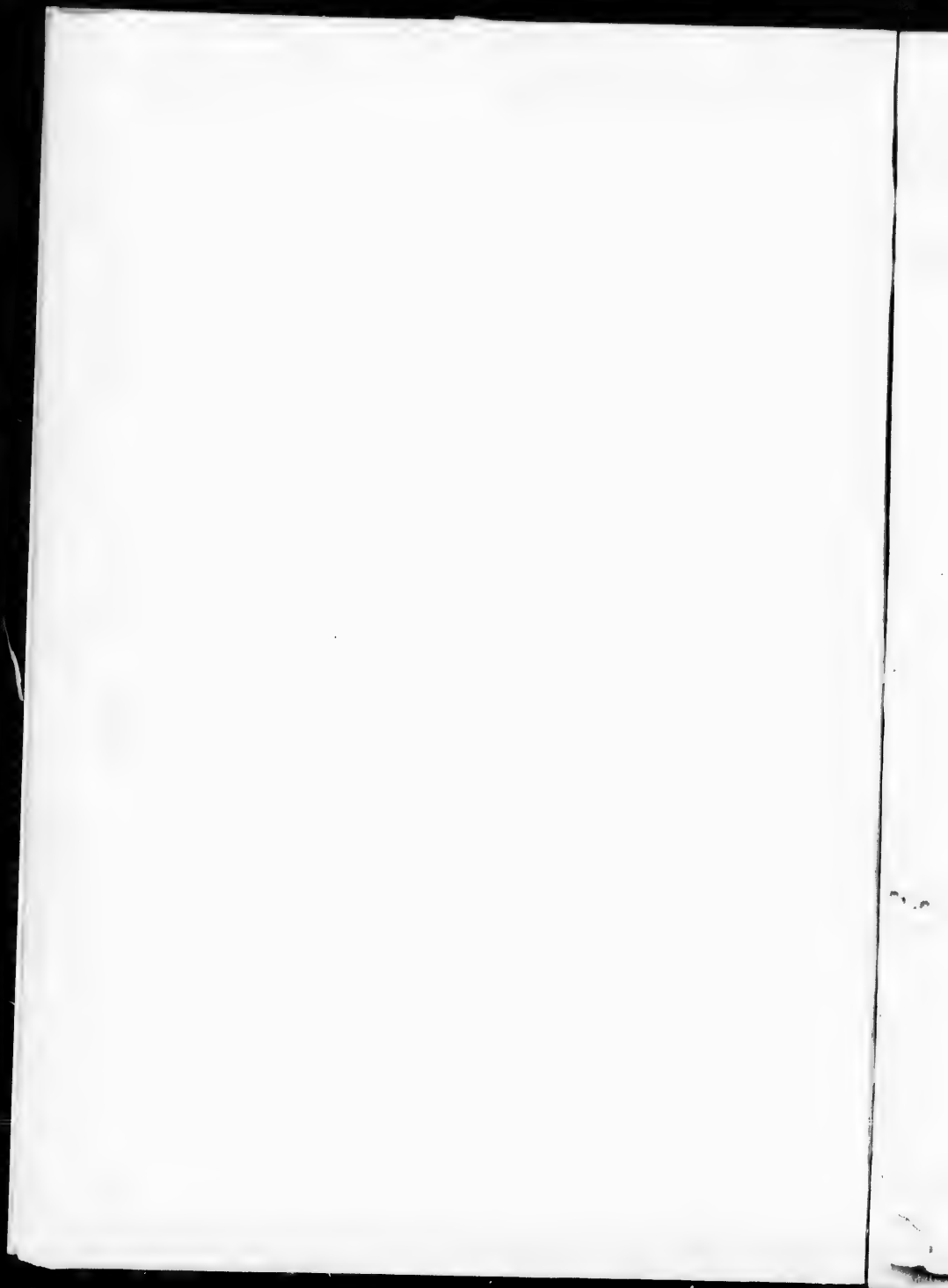
THE JUDGMENT.

THE CONSPIRACY CASE.

The prisoners, John M. Sager, Elmira Fuller and Peter Fuller, are charged before the Court with having on the second day of August last wickedly devised to deprive the Rev. Hugh Montgomery, of the village of Philipsburg, in this District, Clerk in Holy Orders, of his good name, fame, credit and reputation, with unjustly and unlawfully extorting and obtaining from said Montgomery a large sum of money, to wit, the sum of \$1,500, and with having unlawfully conspired, combined and agreed together, falsely, unjustly and wickedly to charge and accuse said Montgomery with having had carnal knowledge of the body of said Elmira Fuller, and of being the father of the child whereby said Elmira Fuller was pregnant.

It is unnecessary that I should make any comment, in the present case, upon the evidence adduced before me on this charge, as I have no hesitation in arriving at the conclusion, that, according to Law, sufficient evidence has not been adduced to establish any concert, or agreement, such as the law requires, to make good a case of conspiracy.

Two or more persons may consult and agree to prosecute a person of a crime against whom reasonable suspicions exist, without being guilty of a conspiracy. While discharging the prisoners from this accusation, I must, however, condemn, in the severest terms, the letter written by the accused, John M. Sager, on the 22nd of June, 1872, in which, in the most audacious manner, he writes to Mr. Montgomery



that he is aware of his conduct with Elmira Fuller, and that h (Montgomery) can settle with him for her benefit for the sum of fifteen hundred dollars, or he would follow it to the full extent of the law. The circumstances in this case point with very strong suspicion to the intimacy between the prisoner, John M. Sager, and this girl Elmira Fuller, and further, by what right (her father being alive) he undertook to write such a letter, unless in the hope of coercing Mr. Montgomery, into compliance with his extortionate demands, and thereby averting suspicion from himself, I am at a loss to understand.

It is fortunate for the accused, Sager, that the charge against him is not for attempting to extort money by means of a threatening letter, but, upon the charge of conspiracy, the decision of the Court is, that the evidence adduced is insufficient to justify a conviction.

THE PERJURY CASE.

The Queen *vs* Reverend Hugh Montgomery—The charge of perjury against the accused is made by one Elmira Fuller, in which referring to the charge of conspiracy against herself, John M. Sager, and Peter Fuller, she states that the Rev. Hugh Montgomery, in the conspiracy case, falsely swore.....

The grave nature of the charge so preferred, as well as the position occupied by the accused as a Clerk in Holy Orders, rendered it necessary that time and care should be taken in the trial, and that its disposition should receive the most serious consideration.

By whom is this charge attempted to be sustained? Elmira Fuller, Evelyn C. Lawrence, and Peter Fuller. The testimony of Elmira Fuller alone is insufficient, of itself, if unimpeached, to sustain a charge of perjury; as the principle of law is that oath against oath is altogether inoperative upon such a charge. As a question of credibility, notwithstanding all the circumstances of suspicion to which counsel for the prosecution adverted, I disregard the statement of the girl Elmira Fuller altogether, in so far as she imputes the condition she was in to the conduct of Mr. Montgomery. No doubt she was pregnant; no doubt, too, she was prematurely confined of a child; but there is evidence pointing to the existence of an intimacy between her and John M. Sager, and their being seen together at different times and places, under very suspicious circumstances, and of his visiting her during her residence at Mr. Montgomery's, and more especially in the absence of Mr. Montgomery and his family, and of Elmira Fuller visiting him [Sager] often at his own house, at times when Mrs. Sager was not at home, and remaining with him there for days when Mrs. Sager was not at home; and the surreptitious manner in which Sager finally took her away from Mr. Montgomery's house to himself, and the questionable way in which he has since kept her.

This being in evidence, the duty of considering the probabilities as to whether Mr. Montgomery or Sager was the father of the child, is

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thrown upon me, and, in view of the sworn testimony of Mr. Montgomery in the conspiracy case, I have no hesitation in forming my opinion. If Sager was innocent in his intercourse with the girl, Elmira Fuller, of any improper conduct why did not the prosecution bring forward Sager to swear that he had had no carnal intercourse with her. If the prosecution had done so, and Sager, upon examination and cross-examination, had sworn positively that he had not, then some weight might be given to the circumstances of her being confined, and of Mr. Montgomery's giving money to Dr. Brigham. But, as the case stands, I regard the absence of Sager's evidence as conclusive on this point against the prosecution; that, being a competent witness, and not being examined, the presumption is that he could not have sworn that he had had no such connection with her. Then, again, Sager wrote a threatening letter to Mr. Montgomery, claiming \$1,500, otherwise threatening to prosecute him. The insolent and impudent tone of this letter shows that he was prompted by some desperate motive, and it is easy to presume that he had an interest in throwing the responsibility off from his own shoulders upon those of Montgomery.

Then, as to Elmira Fuller's credibility.—She is shown to be untruthful, and, on her own confession, to be a girl of bad repute; and, moreover, she is shown to have sworn falsely. She swore that Dr. Brigham made a professional examination of her person, for the purpose of ascertaining whether she was or was not in a family way, in the library at Mr. Montgomery's house. Dr. Brigham swears that he made no such examination there.

Then, again, Mrs. Lawrence, another witness for the prosecution, in my opinion is unworthy of belief under oath, because she is shown to be untruthful, and admits that, in the case of Elmira Fuller at least, she opened her house for purposes of prostitution; that, for pay, she undertook to, and did come to Canada for the express purpose of telling lies, deceiving and misleading persons here in reference to Elmira Fuller's journey to, arrival and stay at, and departure from her place in Swanton, and as to all she knew concerning this whole affair—and this was a fact that of public notoriety in Swanton as shown by Dr. Bourdon's letter, under date 31st August 1872,—and now under oath declares that she fulfilled the lying, deceiving, and misleading object of her mission here, upon the occasion of Elmira Fuller's return from Swanton. And further, she is shown to be a woman of doubtful character, at least, and is more over, proved to have sworn falsely. She swore again and again in the most positive manner in the conspiracy case, that Dr. Brigham visited Myra Fuller at her house in Swanton three or four times—Dr. Brigham swore that he never was there but twice. In the present case she swore that Dr. Brigham was there twice, and this only after she had been proved in the conspiracy case to have sworn falsely, and this is the witness, who attempts to prove an admission on the part of Mr. Montgomery, that he was the father of the child.

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Apart from the great improbability of such a statement, she having been shown to be of doubtful character, and to have sworn falsely, her testimony in my opinion is unworthy of credit.

Then as to Peter Fuller's credibility. He gives no positive evidence of a nature to prove a charge of perjury against the accused and, besides, he forgets so much, in his cross-examination, as to render questionable that part of his evidence about which he claims to be certain.

Great stress has been laid by counsel for the prosecution upon a variety of circumstances bearing against Mr. Montgomery. For my own part, with all his imprudence of conduct with Elmira Fuller, I consider all the circumstances susceptible of explanation, consistent with the conviction of his entire innocence of immoral conduct.

This Court does not sit to be the medium of giving publicity to vague suspicious and vile slanders, nor to determine whether what one man does under a sense of deep obligations for important services rendered to his family, is or is not exactly what any other man would or would not do under the same circumstances.

The conclusion I have come to, and one, I may say, I have arrived at unhesitatingly, is to dismiss this prosecution, because there is no evidence to justify a conviction.

SAM. W. FOSTER.

PROVINCE OF QUEBEC, }
DISTRICT OF BEDFORD. }

BEFORE THE DISTRICT MAGISTRATE'S COURT.

THE QUEEN, vs REVEREND HUGH MONTGOMERY, ON CHARGE
OF PERJURY.

The said District Magistrate having refused to commit or to bail the said Hugh Montgomery, charged with the above offence, to be tried for the same, Myra Fuller, the Prosecutrix in the above case, hereby requires the said Magistrate to take her recognisance to prosecute the said charge or complaint and to transmit the said recognisance, information and deposition to the proper officer.

(Signed,)

MYRA FULLER.

Nelsonville, December 2nd, 1872.

JUDGMENT ON THE ABOVE APPLICATION,

Application is made to me by Counsel for the prosecution in this case to take the recognisance of the prosecutrix under the 29th Section, 32 and 33 Victoria Chapter 29.

I am prepared to grant this application when and so soon as a writ-

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ten application on the part of the prosecutrix is filed, declaring that she desires to prefer an indictment respecting the offence charged.

The judgment I have rendered in the case remains in force, discharging the prisoner.

(Signed,)

SAMUEL W. FOSTER,
District Magistrate for said District.

